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ALBANY
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1911

New York State Commission on employers' liability

REPORT

TO THE

Legislature of the State of New York

BY THE

Commission appointed under Chapter 518 of the Laws of
1909 to inquire into the question of employers'
liability and other matters

SECOND REPORT

CAUSES AND PREVENTION OF INDUSTRIAL ACCIDENTS

April 20, 1911



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
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SECOND REPORT

TO THE

Legislature of the State of New York

BY THE

COMMISSION APPOINTED UNDER CHAPTER 518 OF THE
LAWS OF 1909.

This Second Report deals with the causes and prevention of industrial accidents in New York State. During the first year of its existence the Commission studied chiefly the question of employers' liability, but that inquiry was constantly touching the far more important and basic question of accident prevention, and one of the chief objects of the changes in the liability laws proposed by this Commission to the Legislature of 1910 (and by it adopted) was to promote, by a system of workmen's compensation, increased effort on the part of employers to prevent accidents. So in all the work of the Commission the question of the prevention of industrial accidents has been constantly before it and has been recognized as its most serious problem.

Shortly after its organization the Commission appointed a sub-committee whose special province has been the study of the causes and prevention of accidents. That committee was composed of Hon. Cyrus W. Phillips, Chairman, and of Hon. Frank C. Platt, Hon. Edward D. Jackson, Hon. Alfred D. Lowe, Messrs. John Mitchell, Otto M. Eidlitz, George W. Smith and Henry R. Seager. That committee has visited many industrial plants in all parts of the State, taken the testimony of workmen, foremen and inspectors, and held public hearings in Rochester and New York City. In addition, during 1911, the commission has held a series of public hearings in New York, Buffalo, Glens Falls, Rochester, Albany and Utica concerning the causes and prevention of industrial accidents. The stenographic record of all these hearings appears in the Minutes of Evidence which accompany this Report.

The Commissioner of Labor has taken part in many of the hearings and has constantly co-operated with the Commission in its work. He appeared before the Commission and was examined at length as to the work and needs of his Department. During the summer of 1910 he went abroad to study the question of accident prevention in England and Germany. His formal report to the Commission and the record of that foreign experience is Appendix I. to this report. Mention should also be made of the valuable assistance and advice given to the Commission by Leonard W. Hatch, Chief Statistician of the Bureau of Labor.

During the summer of 1910 George Gilmour, M. E., consulting engineer to the Commission, an expert with large practical experience, who has made the study of accident prevention his profession, made an extended tour in England and Germany as the representative of this Commission to study the problem. His formal report is Appendix II. to this Report.

At its public hearings, and by correspondence, the Commission has received many suggestions. Certain formal recommendations, the most notable of which is the report of the Joint Labor Conference of Greater New York, appear as Appendix III.

At the request of this Commission the Public Service Commissions compiled certain statistics in regard to accidents to employees reported to them. These appear as Appendix IV.

The results of the work and recommendations of the Sub-Committee on Causes and Prevention of Industrial Accidents appointed from the Commission are merged in this report.

THE NUMBER OF INDUSTRIAL ACCIDENTS.

The first step in any review of the causes and prevention of industrial accidents in the State is to examine the existing data on the subject and obtain some idea of the magnitude of the problem.

For the year ending September 30, 1910, there were reported to the Department of Labor, 25,390* accidents to employees in factories, mines and quarries, of which 20,520 were classified as temporary; 2,476 as serious and probably permanent; 2,041 as permanent; 353 as fatal. In the calendar year 1910 there were reported to the Public Service Commission, First District, 9,424 accidents to employees of common carriers and gas and electric companies. For the year ending June 30, 1910, there were reported to the Public Service Commission, Second District, 2,909 accidents to employees of common carriers, 257 of which were fatal.†

Thus, speaking roughly, the State has a record of over 35,000 industrial accidents in a single year. Astounding as this total is, it by no means includes all accidents to employees in the industrial pursuits of the State. These figures do not cover accidents of construction, excavation and engineering work of which no report was required up to September 30, 1910§ nor accidents of agriculture, water transportation, stevedoring, freight handling, teaming, etc., nor accidents to telegraph and telephone linemen, street workers, window cleaners, etc.—a long list of miscellaneous trades‡ more or less dangerous. In the Commission's First Report, p. 28, it was estimated after a careful examination of coroner's inquest cards, and records of emergency hospitals, that not more than half the accidents of employment were at that time being reported to any State Department.

Moreover, it would appear from the following comparative tables that accidents are not decreasing.

TABLE I.
ACCIDENTS REPORTED TO DEPARTMENT OF LABOR IN YEARS ENDING SEPTEMBER 30, 1907, 1908, 1909 AND 1910, RESPECTIVELY.

YEAR.	Total.	Deaths.	INJURIES.		
			Per- manent.	Serious and prob- ably per- manent.	Tem- porary.
1907.....	19,431	344	2,733	2,053	14,298
1908.....	14,455	257	1,749	1,649	10,800
1909.....	16,830	252	1,611	2,128	12,839
1910.....	25,390	353	2,041	2,476	20,520

* Herewith appears a compilation of certain data collected by the Department of Labor as to all industrial accidents reported during the four years period ending September 30, 1910.

† It is impossible to state accurately the number of accidents reported in 1910, because each of the three offices receiving reports has a different system of compiling statistics.

§ A law passed by the Legislature of 1910 on the recommendation of this Commission (Chapter 255, Laws 1910) required that accidents to employees in "building, construction, excavating or engineering work of any description" shall be reported to the Commissioner of Labor. During the first four months of its operation, 2,530 accidents were reported under this law, 75 of which were fatal.

‡ A full discussion of employments in which no report of accidents is required appears in the Commission's First Report, p. 184.

TABLE II.

ACCIDENTS TO EMPLOYEES OF STEAM RAILROADS REPORTED TO PUBLIC
SERVICE COMMISSION, FIRST DISTRICT.

1908.....	1,327
1909.....	1,719
1910.....	2,221

TABLE III.

ACCIDENTS TO EMPLOYEES OF STREET RAILWAYS REPORTED TO PUBLIC
SERVICE COMMISSION, FIRST DISTRICT.

Year.	Total.	Killed.	Injured
1907.....	234	57	177
1908.....	2,197	55	2,142
1909.....	4,511	46	4,465
1910.....	3,873	53	3,820

TABLE IV.

ACCIDENTS TO EMPLOYEES OF STEAM RAILROADS REPORTED TO PUBLIC
SERVICE COMMISSION, SECOND DISTRICT.

Year.	Killed.	Injured.
1907.....	319	1,358
1908.....	210	1,816
1909*.....	257	2,652

Considerable allowance must be made for the fact that in 1907-1908, the panic year, industrial operations were much curtailed and the number of accidents, therefore, exceptionally small. Allowance must also be made for the fact that accident reports are probably becoming more complete every year, and, therefore, an increase in the number of accidents reported need not necessarily indicate an increase in the number of accidents. Nevertheless, allowing for both these factors, there is at least no tendency to decrease exhibited in these tables.

From the meager data at hand, it is apparent that the industrial accident problem is appalling and that it merits the most careful consideration of the State.

The second step in our inquiry is to ascertain what the State is now doing to prevent these accidents. This involves two very comprehensive questions.

(a) What is the law on the matter and (b) how is it being enforced? It will clarify the discussion to deal with these two subjects separately.

THE LAW OF NEW YORK AS TO PREVENTION OF INDUSTRIAL
ACCIDENTS.

The law on this subject does not admit of brief, compact statement, because there is no general system of law in force in the State. The several trades and occupations are separately treated by the law; some trades are fully regulated, while some are not regulated at all. It is thus necessary to review them separately, trade by trade.

* Year extends from June 30 to June 30.

I.

AS TO CONSTRUCTION OF BUILDINGS.

Statutory Requirements for Safety.

The provisions of the law in regard to this work are contained in article 2 of the Labor Law, sections 18, 19, 20 and 21. A brief analysis of each follows:

§ 18. Proper and safe scaffolds must be provided and scaffolds twenty feet or more from the ground must have safety rail thirty-four inches high and must be fastened against building so as not to sway.

§ 19. All scaffolds must be safely constructed and in such manner as to bear four times the weight required and not more than four men are allowed on any swinging scaffold at once.

§ 20. In constructing buildings in cities the floors shall be covered, as construction goes on, to within two or three tiers below construction work. These requirements vary somewhat in the different types of building, but the section provides that where floor beams are all iron or steel, the entire tier where erection is going on must be covered except for spaces reasonably necessary. The section also provides that all shafts and openings must be fenced in on each floor.

Methods of enforcement for the above requirements are provided in sections 18 and 19 of the Labor Law as follows:

On complaint, the Commissioner of Labor shall inspect scaffolding, hoisting and other apparatus, prohibit use of it if unsafe, and notify responsible party.

The chief city officer charged with the enforcement of city building laws and the Commissioner of Labor are specifically charged with enforcement of section 20 in regard to covering of floors in buildings.

Section 21 provides that "the Commissioner of Labor shall enforce all provisions of this article" (*i. e.*, article 2 of the Labor Law, which includes all safety provisions in regard to construction of buildings). This section further provides that the Commissioner of Labor shall investigate complaints, shall issue orders where violations of the law are found, and if orders are not complied with, the district attorney of the county shall proceed to prosecute the responsible party in accordance with the Penal Law.

Penal provisions for enforcement of requirements above stated are contained in Article 120, of the Penal Law, paragraphs 1276-1277.

Violation of the scaffold law (section 18 above quoted) is a misdemeanor.

Violation of the law in regard to the covering over of floors (Section 20 above quoted) is a misdemeanor punishable by fine of not less than \$25 nor more than \$200.

Reporting and Investigation of Accidents in Building Trades.

The person in charge of building, construction, excavating or engineering work of any description, including repairs, alterations, painting or renovating must report every accident to the Commissioner of Labor, who may investigate the cause thereof.* (Labor Law, Section 20-a.)

II.

FATORIES.

Safety Appliances Required by Statute as to Factories are contained in Article 6 of the Labor Law, Sections 79, 80, 81, 87 and 91.

§ 79. *Elevators.*—The Commissioner of Labor may at his discretion require proper guards or automatic doors on elevators in factories, except passenger elevators inclosed on all sides. He may also inspect gearing, etc., and otherwise make safety requirements.†

* This section of the law as to accident reports has only been in force six months. It was added as a result of a recommendation of this Commission.

† In addition the installation and operation of passenger elevators of all kinds is subject to inspection and regulation by municipal authorities.

§ 80. *Stairs*.— Proper and substantial hand rails shall be provided on all stairways in factories, and they shall be properly screened at sides and bottom. Commissioner of Labor may at his discretion require stairways to be covered with rubber and may make provision for proper factory doors, windows and exits.

§ 81. *Machinery*.— All vats, pans, saws, planers, cogs, gearing, belting, set screws, and machinery of every description shall be properly guarded. No person shall remove guards except for repairs and then shall promptly replace them. In the discretion of the Commissioner of Labor, belt-shifters or other mechanical contrivances for throwing on and off belts on pulleys shall be provided.

§ 91. *Boilers*.— Inspection of boilers required once in six months. Each boiler or nest of boilers shall be provided with proper safety valves and steam and water gauges. Every boiler house shall be provided with steam gauges so placed that engineer or fireman can readily ascertain pressure.

Method of Enforcement of above requirements as to factories is contained in Article 5, section 62, of the Labor Law as follows:

"The Commissioner of Labor shall visit and inspect, or shall cause to be visited and inspected, the factories during reasonable hours as often as practicable, and shall cause the provisions of this chapter to be enforced therein."

Penal Provisions for Enforcement of requirements as to factories are as follows:

Article 120, Paragraph 1,275, of the *Penal Law* provides that any person who violates or does not comply with any of the provisions in Article 6 of the Labor Law (including all safety provisions for factories above quoted) is guilty of misdemeanor. The following specific penalties are provided:

First offense.....	fine \$20 to \$50	
Second offense.....	fine \$50 to \$200 or not more than 30 days.	} or both.
Third offense.....	fine not less than \$250 nor more 60 days.	

Reporting and Investigation of Accidents.

All accidents to employees in factories causing loss of time must be reported to the Commissioner of Labor within forty-eight hours, report to state time and cause of injury, with such other information as Commissioner may require. The Commissioner may investigate causes of accidents. Every accident, death or injury must be reported. (Labor Law, Section 87).

III.

MINES, TUNNELS AND QUARRIES.

Safety Appliances Required by Statute.

Article 9 of the Labor Law.

- Sec. 120. Chief of Bureau or Commissioner of Labor to see that every precaution is taken to insure safety.
121. In the discretion of the Commissioner of Labor, two outlets may be required in certain mines.
122. Sufficient ventilating currents and proper timbering must be provided in mines and tunnels.
123. No person allowed to ride on loaded cage, car or bucket in mine or tunnel. Powder or oil not to be stored in mine, tunnel or quarry, but to be kept at safe distance from the mouth.

- 124. General inspection of pulleys, hoists, etc., required in mines and tunnels.
- 125. Rules for use and storing of explosives other than gunpowder to be prescribed by Commissioner of Labor. In charging holes, steel needles must be tipped with six inches of copper, or other soft metal. No one allowed to set off blast unless qualified for the work. Timely notice must be given to all connected with the work.
- 128. Special traveling way required at hoist.
- 129-30. Report of opening or abandoning of mine, quarry or tunnel.
- 134. No blast shall be exploded by electric current of more than 250 volts.
- 134-a. Provide hours of labor, medical attendance and qualifications for workers under compressed air.
- 134-b.

Method of Enforcement of Mining Laws.

The Commissioner of Labor is entrusted with the enforcement of these laws.

Section 135 specially provides that in case of violation of law, he shall serve written notice, and may commence action in Supreme Court, and the Court may grant order suspending operation until law is complied with.

Section 134-c of the Labor Law makes violation of this article in regard to mines, tunnels and quarries a misdemeanor punishable by a fine of not less than \$250, or imprisonment up to one year, or both.

Reporting and investigation of accidents in mines, etc. Same provisions as above stated in case of factories.

IV.

RAILROADS.

Safety Appliances Required by Statute.

Railroad Law, Chapter 39 of General Laws, Section 49.

- 1. Safety switches required in all new construction.
- 2. Warning signals required at every road, bridge or structure crossing above the tracks where necessary for protection of employees on top of cars.
- 3. Automatic couplers required on every new freight car built or purchased for use.
- 4. Safety brakes required except for freight cars.

Railroad Law, Section 49-a.

Boiler inspection provided for.

Method of Enforcements of Railroad Safety Requirements.

Enforcement of these specific provisions, and in general the safeguarding of employees and the public in connection with street and steam railroads is entrusted to two Public Service Commissions of five members each appointed by the Governor, at a salary of \$15,000 each. The powers of these commissioners in regard to safety are very extensive. If in their judgment repairs, improvements or changes in any tracks, terminals, motive power or any property used by a common carrier ought reasonably to be made in order to promote the security of the public or employees, they can issue an order directing such repairs, etc., to be made. This order must be complied with. Violation of it may entail a fine up to \$5,000 for each offense. Every officer and agent who fails to carry out such an order is guilty of a misdemeanor.

Summary Proceedings.

In case of violation of the law or one of its orders by a common carrier, the Commission shall direct its counsel to commence an action in the Supreme Court to have such violations stopped. Action to recover penalty under this law may also be brought in the name of the State by the counsel to the Commission. The law also contains certain specific penalties for violation of Section 49 above quoted.

Reporting and Investigation of Accidents.

§ 47. Public Service Commission Law.— Every common carrier is required to give immediate notice to the Commission of every accident in such manner as Commission may direct. Commission shall investigate cause of such accidents as in its judgment require investigation.

Gas and Electric Companies.

§ 66. Public Service Commission Law.— Commissions shall examine methods employed by such corporations and "have power to order such improvements as will best promote the public interest, preserve the public health and protect those using such gas and electricity and those employed in the manufacture and distribution thereof, or in the maintenance and operation of the works, wires, poles, lines, conduits, ducts and systems maintained in connection therewith." (There is no provision in regard to reporting of accidents of gas and electric corporations. Reports are, as a matter of fact, required in the First District under a general broad power of inquisition.)

It will be apparent from the foregoing brief analysis that the accident prevention laws of the State are a patch-work of many parts, and not drawn with reference to any one principle, or with any system. Rather they are a mass of unconnected attempts — uncorrelated and loosely organized to do something to ameliorate the conditions of the workers by preventing industrial accidents. As might be expected in any study of factory legislation, the trouble with the New York Labor Law turns out to be, not so much that the laws are inadequate, but that there is no efficient provision for enforcement.

In considering the question of enforcement it will clarify the study to realize that the provisions of law above analyzed fall into three main classes.

1. The prohibition of certain methods of work or tools, e. g., storing of powder in mines.
2. The requirement of certain specific safety devices, e. g., guard rails on scaffolds.
3. The delegation of general authority to an administrative officer such as the Commissioner of Labor or the Public Service Commission to see that safe tools and machinery are used, e. g., the power of the Commissioner of Labor to prohibit the use of machinery in a dangerous condition by "tagging" it.

The methods of enforcement of the law, as the analysis shows, are equally various. They are in general:

- (a) The fact that breach of statutory requirements may render the employer responsible in damages to his injured employee by suit at law.
- (b) The imposition of penalties, by fines or imprisonment.
- (c) The powers of the Commissioner of Labor or the Public Service Commission to make orders to prohibit operations which are illegal or deemed dangerous.

The examination of these various statutes is, however, a very hollow and useless thing unless it is accompanied by a consideration of how they are enforced. The commonest complaint of the workmen before the Commission was "that the laws are all right but they are not enforced," and, speaking generally, that complaint has a good deal of basis.

ANALYSIS OF THE SEVERAL METHODS OF ENFORCING THE LAWS FOR ACCIDENT PREVENTION IN NEW YORK.

A.

THE EFFECT OF THE EMPLOYERS' LIABILITY LAWS ON THE PREVENTION OF ACCIDENTS.

Any breach of the Labor Law by an employer is ground for a suit at law against him by the workmen injured because of that breach of law. In our first report we recorded our conclusion that the liability laws of the State had little direct effect on, or relation to, the prevention of accidents. That conclusion was very largely due to the fact that the liability laws of the State as they stood in 1909 relieved the employer from responsibility where he could show that the injured workman had assumed the risk of his employer's breach of law, and to the further fact that difficulties of proof and litigation made the workman's right to sue at law a very uncertain and dilatory remedy. The legislation recommended in the first report of this Commission and passed by the Legislature in 1910 was aimed at this very point. Those changes in the law did away with some of the inequalities under which the injured workman suffered in his suits, and more important still introduced in certain hazardous trades the compensation principle under which the employer was made liable in a limited degree for accidents to his workmen due to trade risk without negligence on his part. The compensation law has just (March 23, 1911) been declared unconstitutional, so that the expected benefits of it cannot be realized. It can not be doubted; however, that the liability aspect of the Labor Law tends to make employers more careful to see that specific statutory requirements of the Labor Law are lived up to and that orders of the Department are obeyed. Indeed, this civil liability seems to give far more potency to the orders of the Department of Labor than the penal provisions which provide fines and imprisonment.*

This civil liability doubtless has some relation to the wise and intelligent attention which some of the larger manufacturing concerns and railroads of the State have in the last few years begun to pay to the question of accident prevention. Thus we find that the General Electric Company has recently created an inspection department for its works at Schenectady, the sole duty of which is to see that preventable accidents in those shops no longer occur. And it is notable that in addition to inspection of machinery and tools that department is also educating foremen and workmen in habits of care. Substantially similar methods have recently been put in force and, according to the testimony before us, are now in use by the New York Central Railroad Company, the Lackawanna Steel Company, the American Locomotive Company and the Rochester Railway & Light Company. And in the Plant of the Murray and Hill Company, New York City, the Utica Drop Forge and Tool Company, the Western Electric Company in New York City and the L. Adler Bros. & Co., of Rochester, and others, we find safety inspection and accident prevention carried on with great efficiency. Some of these larger concerns which carry their own insurance have attempted also to awaken their workmen to their function in preventing accidents by the formation of joint safety committees and by other means.

It would be unfair to infer that this intelligent course is inspired solely by the desire to avoid paying money for accidents. Doubtless that has

* Such is the opinion of the present Commissioner of Labor. See his report for 1910.

something to do with it and doubtless life saving is good business for the stockholders, but apart from that, many employers of the State seem ready to accept, as a duty of citizenship, care for the welfare of their workmen.

But unfortunately this attitude is not general among the manufacturers of the State, and particularly it is absent in those concerns of the State that take out insurance to cover their civil liability to pay their workmen for accidents. This point has repeatedly been made by the witnesses before us. Once an employer has bought insurance against liability, the financial incentive to keep down accidents is gone. He has nothing to fear from criminal prosecution, as he will always receive ample warning before the Department of Labor starts to prosecute — and more important, the question has ceased to be a business question which interests him. He ceases to give the matter personal attention, and the manager and the foreman under him cease to trouble about it. Thus those employers who are insured are likely to turn the whole question of accident prevention over to the insurance companies. Liability insurance in this State is carried on by companies doing a purely commercial business, and up to 1910 the competition among them has been particularly severe. Very large commissions have been paid to agents — up to 1910 the agents' commission amounted usually to 25 per cent. of the annual premium. At the present time the usual commission is reported to be 15 per cent. of the premium, and most, if not all, of the companies are working in concert with a central rate bureau and a substantially fixed scale of rates for employers' liability in the several trades. In such a situation, where the business of the respective companies comes to them largely as a matter of good will or because of exceptionally efficient or wise conduct of past business, it is obvious that the liability insurance companies can do little to coerce employers to take pains to prevent accidents. In certain exceptional cases it may be that risks are refused by insurance companies in New York because of failure by the employer to take proper accident precautions, but such cases are rare. If one company refuses a risk, another stands ready to take it at the regular rate for the trade. So far has this competitive condition gone that most insurance companies can not or do not require any inspection before accepting the smaller risks, and it must be a grossly careless employer who cannot get liability insurance in New York at the regular rate for the trade.* And under the law in New York to-day, if the insurance companies combined to refuse all risks not passed by a central accident board as complying with safety requirements, such action would probably be illegal. It must be admitted that the legal situation in which the insurance companies find themselves is not conducive to building up the efficient system of accident prevention which they are so well placed to carry on, and which would redound so greatly to their advantage as well as to that of employers and workmen.

It is true, however, that the liability insurance companies of the State do pay a good deal of attention to the question of accident prevention and are paying more and more each year. Not only do they publish and send to their customers suggestions for accident prevention in the form of pamphlets, etc., but they maintain — practically all of the larger ones — forces of trained inspectors who inspect the plants and works of their customers and make suggestions for methods of accident prevention, and it is reported to us that those recommendations are usually accepted and acted on. Not only are these private inspectors usually rather better paid than the State officials, but there are many more of them.† And it must be remembered that these insurance safety inspectors cover many risks not inspected by the Department of Labor (i. e., outside of factories, mines, quarries and tunnels).

It is fair to state then that liability insurance inspection is a real force for accident prevention in the State — but one which lacks substantial power to enforce its own requirements. That difficulty is fundamental,

* The subject was discussed before the Commission by Messrs. Cowles, Gaty, etc. See Minutes New York Hearing.

† The exact number cannot be definitely ascertained and is constantly changing. Several companies, however, have forces in New York, each of which is about as large as that of the Commissioner of Labor. See testimony of Cowles and Gaty, New York Hearing.

and could be entirely done away with only by subjecting the accident insurance business to some form of State regulation through which the insurance inspectors would have real power to enforce their recommendations, or by the creation of mutual employers' liability insurance companies in which the whole effort would be not to make profits or get business, but to keep down premiums to employers by the only possible means, i. e., preventing accidents. While we do not now recommend the former course, we are convinced that there is no reason why mutual insurance against employers' liability should not be successfully carried on in the State, and if carried on we believe that it would be a potent factor in accident prevention because the insurance companies would then have the greatest inducement to keep rates down — not up — and because the inspectors of mutual companies could and would see that bad risks were kept out and that the premiums of individual concerns were adjusted to meet the individual risks. It is a matter of extreme difficulty to attempt to plan out by law new schemes of liability insurance, and it is not now possible to determine what form a proposition for mutual insurance may take in this State, but unless the commercial insurance companies can devise some scheme for the elimination of the possibility of excessive profits* and the elimination of competition at least at the expense of accident prevention, mutual liability insurance seems a necessity. We advise such changes in the insurance law as will permit the formation of mutual liability companies.

B.

THE EFFICIENCY OF THE SYSTEM OF ENFORCING THE LABOR LAW BY MEANS OF FINES AND PENALTIES.

Under the several provisions of law above referred to, the Commissioner of Labor can enforce obedience to his orders and the Labor Law by criminal prosecutions against those who violate it. When such prosecutions are commenced they must be prepared by the Department of Labor and presented in the first instance to the magistrates having jurisdiction.†

The record of the Department of Labor as to these prosecutions is shown in each of its annual reports. In the 1909 report (for year ending September 30, 1909), it appeared that the Department had one deputy, who acted as its legal advisor and had charge of its prosecutions. During that year (Report p. 56) he instituted 694 proceedings and prosecuted 444 to a successful conclusion. Of those 444, in 203 cases sentence was suspended and the total fines imposed in the other 204 cases amounted to \$5,455. But of all these cases only the following bore any direct relation to the prevention of accidents:

NATURE OF OFFENSE.	Number of cases.	Sentence suspended.	Fined.	State unsuccessful.
(a) Failure to provide hand rails for stairs...	1	.....	.....	1
(b) Failure to guard saws.....	3	.....	2	1
(c) Failure to guard set-screws.....	2	1	.....	1
(d) Failure to provide elevator gates.....	1	1	.....	.....
Total.....	7	2	2	3

Aggregate fines..... \$35 00

* We do not mean to indicate that we believe their profits are now excessive — we have no knowledge on which to base any conclusion in regard to their profits.

† In the City of New York such cases usually come before the Court of Special Sessions, and the District Attorney of the county co-operates in the trials. Outside of New York City the cases before the magistrate are usually conducted by the officials of the Labor Department.

It is obvious that the number of employers prosecuted every year bears not the slightest relation to the number of employers who violate the law with respect to accident prevention. A reference to Appendix VI. where we print particulars in regard to fatal accidents in 1909 quoted from the forthcoming report of the Labor Department will make this clear. For example, during the year ending September 30, 1908, twenty-five men were killed by being caught in gearing, belting, shafting, etc., as follows:*

11. Clothing caught in shafting; deceased whirled around to his death; body badly mangled.
29. Caught in belt and whirled around shafting to almost instant death.
30. Hand caught between rolls and deceased was drawn through and crushed to death.
46. Caught by belt and carried into flywheel; death took place following day from hemorrhage and shock.
64. Caught in pulley and whirled around, striking side of building; fractured bones and internal injuries caused death within a few minutes.
73. Caught in flywheel and whirled around; skull fractured, two ribs broken, also cuts and bruises; died same day.
76. Caught in belt and whirled around shafting; death occurred before machinery could be stopped.
78. Caught on shafting and whirled around to almost instant death.
125. Clothing caught by set screw in shafting; both arms and legs torn off; death ensued in five hours.
126. Caught in flywheel and killed instantly.
127. Clothing caught on shafting and deceased was whirled around many times; compound fracture and dislocation of both ankles, with other injuries; death followed in two days.
137. Caught in belt; arm torn off; death followed almost immediately.
153. Clothing caught in gears and he was drawn in; face and neck ground to a pulp; death occurred about twenty-four hours later.
155. Clothing caught on shafting and deceased was whirled around; lower part of both legs badly broken; scalp wound; died during evening of same day.
174. Clothing caught on shafting and deceased was whirled around to instant death.
175. Supposed to have been caught by belt and carried around shafting; found dead with fractured skull and leg nearly torn from body.
176. Caught on belt and whirled around shafting; frightful injuries caused death within an hour.
180. Clothing caught in shafting and deceased was whirled around; fracture of arm and thigh; compound fracture of leg extending into ankle; also cut over eye; died within an hour.
185. Caught in machinery and fatally injured, neck and shoulders being broken; killed almost instantly.
186. Hand caught by reels of calender and entire body drawn through reels; skull and ribs fractured; neck dislocated; died in one-half hour.
188. Caught hand between roll and drum on winder and was drawn in machine; muscles and ligaments of shoulder badly torn and bruised; injuries terminated fatally within three days.
195. Caught on shafting and whirled around; fracture of arm, ribs and leg; died same night.
198. Caught by cloth and drawn into machinery; one arm and shoulder broken; other arm torn off; death occurred about twenty-four hours later.
201. Sleeve caught in belt and deceased was whirled around shafting many times; compound fracture of arm and ribs, loss of finger and internal injuries; death resulted three days later.

* Page 107, Report Commissioner of Labor 1909. Particulars of fatal accidents.

223. Supposed to have been caught by belt and carried over flywheel of engine; dead when found; body dismembered and otherwise terribly injured.

The law expressly requires "all vats, pans, saws, planers, cogs, *gearing, belting, shafting, set-screws*, and machinery of every description" to be properly guarded, in order to prevent just such accidents as are described above. Yet in the year during which those twenty-five workmen were killed there were but fifteen prosecutions for violations of the Accident Law, and in the year following but seven. All told in both years, the fines imposed on employers for such violations amounted to \$120.

On the other hand, it must be kept in mind that this small number of prosecutions may be consistent with energetic work by the Department. The Commissioner of Labor, as the same report shows, in the same year (p. 52) made through his inspectors 53,717 regular inspections. This does not include 37,763 special inspections, of which over 10,000 were subsequent visits after original inspection to see that orders of the Department were carried out. The reports of the Department for the last two or three years show (and Commissioner Williams so testified before us) that the prosecutions are used only as the last resort to compel compliance with the orders of the Department by obstinate employers, and certainly no man is convicted under this law until he has had three or four distinct warnings to discontinue his illegal practices. It is only after he fails to regard these repeated warnings that a man is prosecuted. It is apparent, therefore, that the only practical value of these penal provisions of the Labor Law in regard to accident prevention as now enforced is to vindicate the authority of the Department of Labor when it is publicly and flagrantly defied. The penal provisions seem in practice to have no other value, and even that value is seriously impaired by the deplorable habit of the magistrates of suspending sentence. It is hard to see why there can often arise a good reason for suspending sentence on an obstinate employer who refuses to comply with the Labor Law — particularly as to accident prevention. According to the testimony of Commissioner Williams, if after a prosecution is commenced or even after a defendant is convicted, that defendant is able to show that he has at last complied with the law, the magistrates before whom these cases come seem to think that this is a sufficient reason for suspending sentence. We deplore this misuse of discretion which the records show has become a judicial habit. We have discovered no indication that the Department of Labor has made oppressive or unfair use of its power to institute criminal proceedings.

The recently published 1910 Report of the Department of Labor shows no change for the better in this respect. Thus at page 51 of that Report it appears that none of the ninety-four prosecutions instituted before October 1, 1909, and concluded before October 1, 1910, show any direct relation to accident prevention. Of the 610 new proceedings instituted in that year,

- 7 were for failure to guard set-screws.
- 2 were for failure to guard saws.
- 2 were for failure to guard belting.
- 2 were for failure to provide hand rails.
- 1 was for failure to guard flywheel.
- 1 was for failure to guard shafting.

Of this total of 15 prosecutions, 1 is still pending, 4 were won by defendants, and in the remaining 10, 3 defendants were fined (total fines \$95) and sentence was suspended in 7 (including 4 cases of failure to guard saws where the judicial quality of mercy was strained). These 1910 figures do not change our general conclusions. The figures of both years are also significant as showing the relatively small proportion of the activities of the Department of Labor that are devoted to the prevention of accidents. We will have occasion to refer to that comparison at another place in this report.

C.

THE EFFICIENCY OF THE INSPECTION CARRIED ON BY THE STATE
DEPARTMENT OF LABOR IN PREVENTING ACCIDENTS.

This is the most perplexing part of our inquiry into a most complicated subject.

The Commissioner of Labor has in his Department a bureau of factory inspection composed of:

1 chief inspector.....	at \$3,000 per year.
2 assistants.....	at 2,400 per year.
1 license superintendent.....	at 2,400 per year.
1 medical inspector.....	at 2,400 per year.
1 tunnel inspector.....	at 1,500 per year.
52 factory inspectors at salaries ranging from \$1,000 to \$1,200 a year — the majority at the higher figure—5 have salaries of \$1,500 a year.	

This force inspects factories, mines, tunnels and quarries only. Of his force the present Commissioner reports that five are veterans of the Civil War, having preferential right to appointment under the law and a right to be heard on removal; these men have good records of service to the State and strong claims upon its gratitude. There is no provision for pension from the State, and they are not perhaps as competent or as rapid as younger men. He likewise reports that a few of his inspectors, who are among those appointed without civil service competitive examination, are not up to the grade of the rest of his force. Eliminating these, amounting to seven in all, he reports the remaining 43 as competent as could be excepted and reports that many of them have, through the rigid weeding out process of competitive examination for entrance into the service and promotion in it, and through years of experience, become expert in their work.

It is to be remembered, on the other hand, that this factory inspection bureau has the duty of enforcing not only the laws as to accident prevention, but also as to

- (1) Ventilation, light and sanitation of factories.
- (2) Child labor.
- (3) Labor of women and minors.
- (4) Hours of labor in public work.
- (5) Condition of sanitation in regard to product of bakeries and tenant factories.
- (6) Periodical payment of wages.

And in the summary of criminal proceedings taken by the Department in a year (See report of 1909, p. 55 et seq.) it appears only 7 had direct relation to accident prevention, whereas the rest of the 694 were divided as follows:

Concerning sanitation.....	89
Concerning child labor.....	550
Concerning labor of women and minors.....	22
Concerning administration.....	8
Concerning tenement work.....	6
Concerning sanitation in bakeries.....	6
Concerning failure to pay wages.....	6
Total.....	<u>688</u>

The 1910 report of the Department illustrates the same point. Thus the new prosecutions begun in the year October 1, 1909, to October 1, 1910, are divided as follows:

Concerning administration.....	14
Concerning sanitation.....	51
Concerning safety.....	15

Concerning child labor.....	492
Concerning women and minors.....	23
Concerning tenement work.....	1
Concerning bakeries.....	7
Concerning miscellaneous.....	6
Total.....	<u>609</u>

These tables are highly indicative of the fact that the factory inspector has many things to do besides inspect for safety. The same report indicates that safety provision played a relatively small part not only in criminal prosecutions, but in other departments of the bureau's works. Thus the power of the inspectors to "tag" to stop illegal work was exercised as follows: (See report 1910, p. 48.)

Goods in tenements.....	126 times
Goods in tenant factories.....	469 times
Articles in bakeries.....	191 times
Unsafe machinery.....	0 times
Unsafe scaffolding.....	0 times

The Bureau of Factory Inspection, according to the same report, out of a total of 56,816 regular investigations, made 12,178 in factories in separate buildings, 25,847 in tenant factories, 2,320 in laundries, 4,156 in bakeries, 84 in mines, 46 in tunnel workings, 150 in tenant factory buildings, and 12,035 in tenement buildings (licensed). According to the same report, the inspectors reported fully and examined into the status of some 12,330 child workers.

It is doubtless to the advantage of the State that the factory inspector has in his charge the question of sanitation, child labor, etc., since separate inspection would involve a great duplication of work. The point of our observation at the moment is that the fifty-two factory inspectors of the State have many and diversified duties which result in their giving but a small part of their time to safety inspection.

Another fact more important still is the question of the amount of ground these factory inspectors have to get over. The records of the Department do not show the number of establishments covered by the bureau or under its supervision, but a fair idea of the amount of the work can be gained by studying the record of inspections. Take the 1909 Report, which covered a fairly typical year.* That Report (p. 52) records as follows:

Regular inspections.....	53,717
Special inspections.....	1,147
Investigations.....	†37,763
Observations (tenements).....	2,135
Tunnel workings.....	200
Times inspectors were in court.....	1,699
Total.....	<u>97,227</u>

That is, there were, roughly, 100,000 jobs or trips or observations for these fifty factory inspectors in their work during the year,— an average of, say, seven for each inspector on each working day. When we add to that state of fact another of the first importance — that according to the testimony of the Commissioner of Labor he expects through his inspectors to inspect each establishment under his jurisdiction on the average at least once a year — and the average is not higher than that — we begin to get a truer picture of what factory inspection in this State means. It is quite true that in many cases factories are inspected oftener than once a year and

* The 1910 report shows an increase in inspection.

† Including 10,863 subsequent visits.

perhaps as often as needed. The Department does not, however, investigate even all cases of serious accidents reported to it (Department Report 1910, p. 24) for the purpose of preventing repetitions of them. It must be, admitted therefore, that the State does very little work in inspection to prevent accidents and that its force is pitifully insufficient to cope with the work prescribed for it under the law.

It is quite possible (although unusual) that a foreman may go all his life in a factory in New York without seeing a State Inspector (as was testified to before us). It is the exception that a foreman or shop manager sees an inspector more than once a year. Since that is so, it is not to be imagined that the Department inspectors are a sort of accident police patrolling the State, a terror to careless employers. That is a very long way from the truth. Rather, they seem to be an overworked force doing what they can in calling attention to and remedying certain flagrantly unsafe conditions in factories. Under the circumstances it is rather surprising that the almost uniform testimony of the witnesses before us, who have been in touch with the State inspectors, is that their requirements have been often severe and their suggestions helpful. The objections made to their service is that some of their requirements are trivial and that they are not trained engineers and principally that there are not enough of them. The main difficulty seems to be that because of their manifold other duties, and the amount of their work, inspection for safety does not begin to get the attention it deserves, either actually, or relatively to the work of the Department.

It must be borne in mind also that these factory inspectors in New York have very few definite rules as to accident prevention to enforce. They are to see that dangerous machinery is properly guarded and they are instructed by the Department as to certain points to be examined, but after all, each of them decides what is dangerous and what is a proper guard. The Department has under the law no power to make rules as to factory operation or machinery spacing. It has no power to inspect machinery before it is installed and apparently rarely exercises its power to "tag" dangerous machines. The Department has no museum of safety appliances, no special knowledge of safety appliances. The inspectors hesitate to recommend safety appliances which are patented and there is no close co-operation between the Department of Labor and the manufacturers as to constructive work in accident prevention.

Factory inspection for safety is as yet a new function of the Labor Department of the State of New York. It is a science not yet mastered, on which the beginnings have been made, but not much more, and our safety laws — the most important committed to the care of the Department — seem the least well enforced, though it is but fair to add that they are by all odds the most difficult of enforcement.

WORK OF THE PUBLIC SERVICE COMMISSIONS IN ACCIDENT PREVENTION.

The powers of the Public Service Commissions with respect to promoting the safety of employees of common carriers and gas and electric corporations have already been described (*supra*, p. 6). Their authority to require reports of accidents, to investigate them, and to issue safety orders having the force of statutes, is practically unlimited. What the Commissions have done in this line is fairly shown in their own reports, so far as issued.

From July 1 to December 1, 1909, nearly 300 accidents were investigated by the Public Service Commission of the First District. During that time 24,209 accidents were reported by common carriers; 1,147 of which were serious and 288 of which were deaths. In 1908, 1,670 accidents were investigated out of 52,526 reported. Reports for 1909 and 1910 have not yet been published by the Commission of the First District.

No record is given of action by the Commission following these investigations. Except in connection with yard work and track work, the safety of employees on railroads is closely connected with the safety of passengers. Therefore, many safety orders and recommendations issued by the Commission, as a result of its regular inspection of equipment, may be said to

promote the safety of employees, although specifically directed to the protection of passengers. The only safety order specifically directed to the protection of employees issued in the First District, followed an accident in which six or seven section men were run down and killed by a train on the New York Central. This order issued in April 1909, requires a watchman for every track crew of two or more men.

In its first report covering the last six months of 1907, the Commission of the Second District undertakes "to investigate all accidents, the circumstances of which indicate dangerous conditions." Following this plan the Commission has apparently concentrated its efforts on the investigation of preventable accidents and the analysis of their causes with a view to prevention. Three hundred accidents were investigated in 1908, 65 in 1909. In 1910 there were 30 field investigations of accidents, and 101 correspondence investigations. In the reports for these years, all of which are published, the accidents investigated are so analyzed as to bring out the commonest dangers. As a direct result of this accident investigation, at least two general orders have been issued (see Report 1909 where these orders are printed in full). A great many recommendations with regard to safety, made as a result of regular inspections of the equipment department, are recorded in the annual reports. These orders and recommendations however relate only incidentally to the protection of employees. The statistics submitted by the Public Service Commission of the Second District (Appendix IV) show an effort to make intelligent use of their accident reports.

From December 31, 1909 to December 31, 1910 — the Commission of the First District received reports of 35 deaths and 6,591 injuries among employees of gas and electric corporations. In the Second District for the same period 31 accidents to employees of such corporations were reported, 22 of which resulted in death. Neither Commission has yet undertaken the investigation of accidents reported by gas and electric corporations.

From all this it is clear that the Public Service Commissions upon whom the State has placed entire responsibility for preventing accidents in connection with railroads, gas and electric corporations, have just begun to attack the problem. Indeed, this is quite freely admitted by the men in charge, who state that the demands on their time and appropriations by the many other aspects of their work have been so great as to make thorough accident prevention work impossible. The Public Service Commissions have been in existence not yet four years, and efficiency in every department of their work could hardly be expected. We heartily agree with the Commission of the First District, however, that "no more important work than the saving of human life"* is before them, and we would urge them to press forward with that work. And since the reports of the Second District show that on steam railroads seventeen employees are killed to one passenger killed, we would urge the Commission of that District to give special attention to the protection of the railroad workers.

E

ENFORCEMENT OF THE BUILDING LAWS.

It was repeatedly brought out in the testimony presented to us that those sections of the Labor Law dealing with scaffolds, the covering of floors, the fencing of shafts and openings, for the protection of workmen on buildings in course of construction, are constantly and flagrantly violated, particularly in New York City. This testimony was hardly necessary since, if one is familiar with the law, he cannot escape noticing several such violations in the course of a day in any large city. From the Commission's office window in the Metropolitan Tower, scaffolds without railing, floors uncovered for four or five successive stories, shafts quite unguarded, have been noted again and again.

This failure to enforce the safety regulations on buildings in the course of construction is due, we believe, first to the fact that responsibility for

* First Annual Report, Public Service Commission, First District, p. 174.

enforcement is divided between the Labor Commissioner and the City Building Departments, and therefore, not seriously undertaken by either, and second to the fact that the law has been interpreted so as to call for an inspection and enforcement only *on complaint*. The practical result of enforcing a labor law on complaint is that it is not enforced at all; the employer cannot be expected to complain against himself; the workmen cannot in practice be expected to complain against his employer; the passer-by is too busy or indifferent.

To test the efficiency of this system of divided responsibility and enforcement on complaint, an investigator for the Commission in the course of his daily trips to and from work noted fifteen specific violations within a few days and reported them to the Labor Department, and also to the New York City Building Department. It soon became clear that the City Building Department is in a better position to take up complaints and enforce the law than the State Labor Department. The Building Department on receiving a complaint, would make an investigation at once, and within two days the Commission would receive a notice that the violation had been noted and the correction ordered. On the other hand the Labor Department with its headquarters at Albany, and its very limited force of inspectors, scattered all over the State, could not get around to make an inspection for three or four days. Further, the building regulations proved practically enforceable, for in almost every case by the fifth day after our complaint was entered, we found by subsequent inspection, that the violation had been corrected and the law complied with on the building in question.

These tests confirmed us in our opinion that the way to secure comparative safety for workmen on buildings in the course of construction, is to charge the enforcement of all safety regulations in the first instance expressly on the City Building Departments. The construction of buildings is already under local supervision in other respects, and with its constantly changing conditions, it is obviously not suitable for State regulation. Where there is no local building department, it will be necessary to leave the responsibility for enforcement with the Commissioner of Labor, and it may prove wise to leave with him a general power to investigate on complaint, but in all large cities the duty of safeguarding workmen on buildings should be squarely placed on local authorities. We shall include in our recommendations such amendments to the law as are necessary to bring this about.

LAWS AS TO ACCIDENT PREVENTION IN OTHER STATES AND THEIR OPERATION.

The Commission has reviewed the laws of other States. Speaking generally and broadly, the accident prevention laws of other manufacturing States are similar to those of the laws of New York. There are in the several States special laws for the regulation of certain trades. In Pennsylvania, for instance, there is an elaborate system of regulation for coal mining. In Massachusetts the system of boiler inspection is usually regarded as a model. In several of the States there are more stringent penal provisions for failure to obey statutes requiring safety devices. In several States or cities there are provisions regulating certain trades which are substantially unregulated in New York, e. g., electric operation or construction. In certain of the States the work of accident prevention is a function carried on by the municipalities — in others by the State Government — in others by both. In no State do we find so good a system of accident statistics in force for any length of time as in New York. In no State do we find evidence of a more efficient department of labor, and while certain States are ahead of New York as to particular trades, we find no State which has undertaken a radically different or more effective general system of accident prevention than New York. Speaking generally, there is no striking lesson to be gained from the experience of other States—however admirable certain specific requirements of their laws may be. In all of them the legislation has been a gradual growth. In none of the States has any definite progress been

made in the prevention of industrial accidents as a function of the State Government. In no one of them, so far as we have discovered, is there a general State factory inspection force of a character substantially different from our own, or any sure remedy for industrial accidents.

In the matter of reporting accidents at least one State is decidedly in advance of New York. Minnesota* has a law which makes complete industrial accidents' statistics possible.

By a statute of 1909 "every employer of labor engaged in industrial pursuits" is required to make a report of any and all accidents to his employees within the scope of their employment. Under this law the State Bureau of Labor attempts to record every accident to an employee working for his employer's profit. (As distinguished from chauffeurs, coachmen and servants of various kinds.) This law has been in operation one year, and the Labor Department estimates that under it, all but about 5 per cent. of the industrial accidents that have occurred during that year have been recorded.

A report issued by the Department after the first year's operation of this law indicated what a large number of industrial accidents occur of a class which in all other States go unrecorded. The total number of accidents reported increased from 1,590 in 1908-9 to 8,671 in 1909-10, the first year during which the new law was in operation. Of these the great majority occurred in railroading, mining, manufacture, and lumber industries. But 37 deaths and 717 injuries come under "contracting;" 4 deaths and 52 injuries under "hotels and mercantile;" 7 deaths and 17 injuries under "livery and teaming;" 12 deaths and 51 injuries under "agriculture," and so on.

In this State, although progress was made by the law of 1910 requiring reports of accidents in the building trades, there are, as we have seen, many more or less dangerous trades as yet not covered by the law. We believe that the Labor Department should as soon as practicable, be put in a position to collect and publish complete accident statistics covering all industries—an obviously necessary basis for intelligent efforts toward accident prevention. At this time, however, we do not deem it wise to burden the Statistical Bureau of the Labor Department with accident reports from additional trades. Instead we recommend an increased appropriation for the work of that Bureau, which will enable it under the able supervision of the present chief statistician, to make adequate use of the reports it now receives. We recommend also, an amendment to the Public Service Commission Law expressly providing for accident reports from gas and electric corporations and telephone and telegraph companies.

ACCIDENT PREVENTION IN GREAT BRITAIN.

The law of accident prevention in Great Britain is—speaking generally—of the same kind as that in New York, but it is generally reported to be more effective. The English law and system of factory inspection are described in some detail in Mr. Gilmour's report to the Commission (see Appendix II). Certain broad differences are notable.

Factories in England are the subject of the Factory and Workshop Act of 1901, which is not unlike the New York Labor Law save in one particular. Far more than in New York, safety requirements are not part of the law itself, but the subject of regulations and rules for the conduct of the several trades, promulgated by the Department under authority given by the law. Not only are these regulations far more detailed and specific than any law could be, but they have the result of creating what no American legislation has ever succeeded in creating—a body of law for each trade, drawn with some reference to trade conditions, flexible enough to change with changing industrial conditions, and practical enough to be enforced. In the nature of things, a legislature which meets once a year and is composed largely of lawyers, cannot hope to produce a workable code of factory rules.

In Great Britain as in New York certain trades are practically not regulated as to safety operation. Thus in Great Britain there is practically

* Illinois also has a general industrial accident reporting law, but under it only deaths and injuries resulting in disability of at least thirty days duration are required to be reported.

no safety supervision by anyone as to the building trades, tunnel or general engineering work, or construction work, etc.

The main department charged with the enforcement of the safety laws in Great Britain is the Factory Inspection Department which (with the exception of railways, mines, and quarries, which are under special bureaus), has supervision of all factories and workshops. This department is in charge of a chief inspector who in turn has five district inspectors who have charge of the five districts into which the United Kingdom is divided. His total force is about 200 for the inspection of about 263,000 establishments, and as in New York, it is planned to inspect each establishment at least once a year. Speaking roughly it would seem that the amount of work to be done by the British inspector is not so very different from the work to be done by the New York inspector. But the ordinary British inspector is better paid, has a settled career dependent on good service, with a fair pension at the end of it. Consequently he is a more intelligent and capable man than the ordinary New York inspector.

This difference in the character of the factory inspection force is most important. Not only is the British force completely unaffected by politics, but factory inspection in Great Britain is a special profession and a highly respected one. The head of the British Department with a salary of about \$7,500 a year is the chief of a very important government department. He is the head of an honored profession and his position has come through promotion for efficient service. It is no more thinkable that a change of party control will unseat the chief British factory inspector or any of his subordinates than that it should unseat a judge.

Taking then as a starting point the existence of the administrative code of safety rules, and remembering the character of the British inspector, it is not surprising that in England they have gone farther in the standardization of protective devices and efficient machinery protection than we have,* and have established a higher degree of co-operation with employers. How far this is due to the use of rules, how far to the higher grade of inspectors, how far to the British Compensation Act which probably stimulates the employer's interest in accident prevention, it is hard to state. Nor are the comparative figures of accidents in industry enlightening on the question of the progress and efficiency of the British system. Speaking generally, they do not prove a decrease in accidents in recent years. The British Compensation Acts have forced the British employers often to combine in voluntary mutual insurance schemes and that has resulted in joint action by the employers in some trades looking to accident prevention, but the system is not general as in Germany, and co-operation with employees has not made the progress that it has in Germany.

GERMANY.

The German system of accident prevention is radically and fundamentally different from the English, and apparently more efficient.

The German system of compensating injured employees for work accidents is described in the first report of the Commission (p. 36 *et seq.*). It is not necessary to repeat the report. Speaking generally, since 1884 the German Law requires all employers in each trade to combine in a trade insurance association which must pay compensation of two-thirds wages during incapacity to injured workers in that trade.† The system covers approximately four-fifths of all German wage-earners, including farm laborers. The solvency of the trade associations is guaranteed by the Imperial Government. The assessments or taxes to support the funds of the several trade associations are laid on the respective employers by State officers, and are regulated directly by the amount paid out for the accidents of each particular employer. With that system of compulsory co-operation between employers in each trade, under which each accident hits the pocket book of every employer in the same trade, it is not remarkable that something intelligent has been done to prevent accidents by the men who know best how, i. e., the employers.

* This is notably true in the metal working and textile trades.

† The details of the part played by the sick benefit associations and workmen's contributions are described in the Commission's first report, p. 37 *et seq.*

In all Germany each trade association makes rules for the conduct of that trade, which, on approval of the Imperial Insurance Department, have the force of law and are enforced by a bureau of inspectors — highly trained and highly educated men of distinguished standing in the community, selected and paid by these employers' compulsory insurance associations. A high degree of technical and scientific training and a long apprenticeship are necessary prerequisites for entrance into the lowest grades of this service. Apparently there are only about 300 of these inspectors in all Germany, but in insistence on efficient lighting of factories, in the vigilance of foremen and managers, in the adoption of shop rules that insure safety without unduly hampering efficiency, and in standardization of protective devices, the German system seems far ahead of any other in the world. Such is the unanimous judgment of the men who are familiar with it. The German people, manufacturers and workmen, seem to have learned that the highest degree of industrial efficiency is combined with constant care as to the safety and well-being of the industrial workers. This is no longer open to question in Germany, and the authority and power of the trained inspector is absolute and unquestioned.

THE LESSON OF FOREIGN EXPERIENCE.

The application of foreign experience to our conditions is not easy. But the fundamental proposition on which, for instance, the German system is based, may be of the greatest value here.

The only sure rule for accident prevention is vigilance, and again, more vigilance. The mere writing of a statute is nothing — the real remedy must lie in the habits of the manufacturer and his workmen. The Germans have made that habit of vigilance synonymous with self-interest by placing upon the manufacturer (and to a small extent, the workmen) the duty of paying for each accident, and forcing the employers to combine to meet that duty. Thus it has come about inevitably that the combined wisdom of the employers, with a minimum of Government supervision, is devoted to the prevention of accidents.

Germany attacks the problem through federal laws operative throughout the German Empire. In this country we must work through State legislation. In Germany neither public opinion nor constitutional restriction stands in the way of imposing on the employer responsibilities which are foreign to American habits of mind and American law.

But because we cannot reach this result immediately and by direct law, we must endeavor to bring about the result indirectly and so frame our laws as to set the same principles at work.

In New York the ultimate extension of the laws of civil liability for work accidents begun by the Legislature of 1910 is almost certain to excite the activity of employers and commercial insurance companies to prevent accidents, and as in England (if the commercial insurance companies fail to carry on that work), to foster the formation of mutual insurance associations which will from self-interest carry on the work of accident prevention by the employers. And, we repeat, it is the employers who can best do this work.

Again, we believe that the manufacturers of this State, from enlightened self-interest, or more humane motives, have, in the last few years, and will more in the future, come to look upon the safeguarding of the health and safety of their wage-earners as part of their duty. The newest of our factories are as well lighted as the best in Germany. Certain of the larger factories of the State have special safety inspectors of their own, insist on the most approved protective devices for dangerous machinery, and the use of danger signs, on the substitution of protected electric drives for belting and shafting. In short, they are alive to the problem of accident prevention. The extension of this feeling of responsibility to employers and workmen by law, and by education, is the real lesson of German experience. During the years that must elapse before this is accomplished, it will not do to neglect the Factory Inspection Bureau of this State. In three respects it now fails of the highest efficiency:

1. The Labor Department must be (far more than in the past) an educational as well as a policing body; it must teach accident protection. That will mean a larger force, more men of a higher grade of intelligence and practical experience, and the absolute separation of the Department from party politics.

2. The Department's authority must be extended to cover other dangerous industries not now regulated, and a far more complete inspection of the industries now covered. That will mean a larger force.

3. The Department must make rules for factory and shop work, so that, as in Great Britain, the work of inspection can be more nearly standardized — left less to the discretion of the individual inspectors.

These three developments are not difficult or tremendous to start upon. The Labor Department should be the head of the learning on accident prevention. New devices should be tried there, the factory inspector should know all the most modern forms of guards and be able to recommend them. He should be helped by men who are expert in factory construction and machinery operation. In time the State should either in co-operation with private agencies or otherwise, develop a museum of safety devices to which employers may come and learn.* The establishment of such a museum on a large scale has the approval of the present Commissioner of Labor as a step to be taken at a later time. In that judgment we concur. In the same way the scope of the educational work of the Department needs extension by publication of pamphlets and bulletins. And along similar lines the Department should ultimately develop a more complete system of accident recording, so that the accident reports of causes of accidents will be what they are not to-day, an important aid in the matter of accident prevention.†

THE CAUSES OF ACCIDENTS.

This Report contains no specific discussion of the causes of accidents. That omission is not an oversight. The experience of our Sub-Committee in factories, the testimony before us, and the accident statistics of the State, convince us that the most frequent cause of industrial accidents is a mixture of five things in varying quantities: 1. The immense risk of modern industrial operations, (2) Human fallibility, (3) Inattention of foremen and managers and lack of protective devices, (4) Carelessness of workmen due largely to inattention, (5) The enormous speed at which machine labor is carried on. No man can separate these causes. If the table of accidents opposite page 2, is carefully examined, it contains about all the accurate information we have on this subject. That a great part of the accidents are preventable cannot be doubted. That no one of these causes can be absolutely eliminated is equally clear.

Before taking up in detail the legislation which we recommend, it is necessary to treat of certain special matters suggested to us.

THE NEED OF NEW LAW FOR TUNNELLING AND ROCK WORK AND EXPLOSIVES.

Suggestions are made that special laws be enacted on this subject.‡ We are impressed with the need of supervision of the work, but feel incapable of judging the requirements which would be wise. The subject must be treated by rules of the State Department of Labor and is peculiarly fitted for such treatment. We recommend a reconsideration of the existing rules by the Commissioner of Labor, and the tunnel and mine inspectors. In the same way the question of the use of explosives has been submitted to us. The question is highly technical and we think can best be treated by rules of the Commissioner of Labor, and in conjunction with him, by the municipalities. We can only repeat that this is just the kind of a subject

* Such institutions are now in operation at Berlin, Munich, Amsterdam, Paris, Zurich, Milan, Vienna, Budapest, Stockholm and Moscow.

† We do not wish to be misunderstood in this regard. We regard the statistical department as admirably and intelligently conducted. The suggestion we are making was one called to our attention by the Department itself.

‡ This subject has been placed before us particularly by the representatives of the Rock Drillers' organizations, and formally by Mr. T. J. Curtis at the New York hearing.

as to which no legislative commission or legislature is wise enough to legislate, except in the broadest way.

SUGGESTIONS AS TO POSSIBLE ABOLITION OF BELTING AND SHAFTHING, AND THE SUBSTITUTION OF ELECTRICALLY PROPELLED MACHINERY, AND POSSIBLE INSPECTION OF MACHINERY BEFORE INSTALLATION.

The actual examination of factories by our Sub-Committee on Prevention of Accidents, has convinced them of the superior safety and general efficiency of machinery propelled by electric drive over the system of operating by belts and shafts, and it has been recommended to them that the State should undertake the gradual supplanting of the old by the newer method.* And along the same lines the general proposition has been advanced that the State should undertake the duty of inspection of all new machinery before installation. The practical difficulties of such a course are many. Not only would it mean more inspectors and better inspectors, but it might mean vastly increased expense to employers with incommensurate results. In the present state of accident prevention in New York we regard both projects as impracticable at this time.

THE DANGERS OF ELECTRIC WORK.

It has been repeatedly pressed upon us by witnesses that nothing is being done to prevent accidents to electric workers, and we are referred to excellent systems of prevention in San Francisco, California, and other places as models for us to follow in drafting new laws. Hollow as our conclusions may sound we can only say that we are convinced that the only wise way to regulate such work is for the Public Service Commissions to make and enforce rules for it. In so far as the dangers are in the construction of electric power lines (as opposed to their operation), under present conditions this must be left to the municipal divisions of the State. The State itself cannot create a peripatetic safety police to follow each construction job. The problem of working out rules for safe operation of high voltage wires should not be left to the Legislature but must be worked out through the Public Service Commissions and local administrative bodies.†

CONNECTION BETWEEN LONG HOURS OF WORK AND ACCIDENTS.

The relation between excessively long hours of work and accidents was forcefully brought to our attention in the course of our public hearings. (See minutes of evidence, Glens Falls Hearing.) It is well known that in the paper and pulp industry and in the steel industry — leading examples of continuous industries in this State — the two shift system prevails. This means for a majority of the workers a twelve hour day or night. Although we have no figures to prove it, it was the common opinion of the witnesses before us that excessive hours increase the number of accidents due to inattention on the part of workmen.

We realize, however, that this relation must be clearly shown before laws limiting the hours of labor in dangerous industries can be passed and upheld by the courts. We would suggest therefore that this most important inquiry be taken up by the Statistical Bureau as soon as its appropriation will permit.

RECOMMENDATIONS.

To carry out the changes recommended by this Commission certain amendments of the Labor Law are necessary. Such amendments are designed to accomplish

1. The increase in the number of the factory inspectors in the Labor Department, particularly in the higher and better paid grades.

* Reference to the table of accidents at the beginning of the Report shows that during the four years covered by it, 1,845 accidents were caused by shafting, belts and pulleys, of which 103 were fatal. Appendix V is an expert opinion of Mr. John C. Parker as to the possibility of general adoption of the electric drive in factory work.

† Suggestions made to us for rules for electric work by Local Union 20 (New York City) of the International Brotherhood of Electrical Workers are printed as Appendix III. We commend them to the attention of the Public Service Commissions.

2. Increase of power of Department to allow it to make rules to standardize the work of factory inspection and accident prevention.

3. Changes of provisions of law as to buildings so as to increase power and duties of city building departments.

4. Bringing within the jurisdiction of the Labor Department the oversight of public work done by the State.

5. Changes of certain clauses of the Labor Law which have proved ineffective in actual administration by the Department.

The Commission has caused the following amendments to be drafted which will carry out its recommendations. Following each amendment is a short explanatory note.

SUGGESTED AMENDMENTS FOR INCREASING FORCE OF DEPARTMENT OF LABOR, AND PROVIDING FOR ITS ORGANIZATION.

Section 61 of the Labor Law should be amended to read as follows: (Matter to be omitted in brackets, new matter in italics.)

Sec. 61. [Deputies.] *Factory Inspectors.* The commissioner of labor may appoint from time to time not more than [sixty] *eighty-five* persons as [deputy] factory inspectors, not more than [ten] *fifteen* of whom shall be women, and who may be removed by him at any time. The [deputy] factory inspectors may be divided into [three] *five* grades, but not more than [five] *thirty* shall be of the third grade, *and not more than eight shall be of the fourth grade and not more than one shall be of the fifth grade.* Each [deputy] inspector of the first grade shall receive an annual salary of one thousand dollars, each of the second grade an annual salary of one thousand two hundred dollars and each of the third grade an annual salary of one thousand five hundred dollars. *There shall be after May first, nineteen hundred and eleven, no further appointments in the first grade and no vacancies in the first grade shall be filled. There may be at any time not to exceed fifty persons in the second grade. Each inspector of the fourth grade shall receive an annual salary of two thousand five hundred dollars. Each inspector of the fifth grade shall receive an annual salary of three thousand five hundred dollars. Each inspector of the fifth grade shall be a mechanical engineer.*

By this amendment of Section 61 it is intended that the factory inspection force shall be increased from fifty-two to eighty-five. Under the law as it now stands the regular inspection force is constituted as follows:

Grade I. Nine factory inspectors at \$1,000 per annum.

II. Thirty-eight factory inspectors at \$1,200 per annum.

III. Five factory inspectors at \$1,500 per annum.

By the proposed amendment the inspectors (nine) in Grade I, will hold their present positions, but no vacancies in the grade will be filled. The thirty-eight men in Grade II will hold their present positions and there will be eleven vacancies in the grade to be filled by promotion or examination. All these vacancies should be filled. The five \$1,500 inspectors in Grade III will hold their present jobs. After Grade III is enlarged to thirty, there will be twenty-five vacancies to be filled by promotion or competitive examination. Under the proposed amendments the main increase will be in the \$1,500 grade, which should make a substantial change for the better in the character of the inspection. In addition to this there will be eight new inspectors of Grade IV. It is planned that one of these will act as assistant factory inspector and the other seven will act as supervising district inspectors of the seven districts of the State which we believe the Commissioner of Labor would with great advantage to factory inspection create. One of the great difficulties under which the Department now labors is that its central office in Albany is out of touch with the localities. These positions in the fourth grade may likewise be filled by promotion from men now in the service, or by competitive examination for entrance to the service. The reasons for creating the fifth grade are clear from earlier

discussion in this report. We feel strongly the absolute necessity that all these men shall be placed in the classified service, and that appointments shall be made only after competitive examination. None of these positions are, or should be, "confidential."

These salary increases are shown in the following table:

Grade.	Present Salaries		Salaries of grade after amendment.
I. 9 men, total.....	\$9,000	9 men, total.....	\$9,000
II. 38 men, total.....	45,600	49 men, total.....	58,000
III. 5 men, total.....	7,500	30 men, total.....	45,000
IV. 1 man.....	2,500	8 men, total.....	20,000
V.		1 man.....	3,500
Chief.....		Increase.....	500
Total increase of salaries.....			\$72,400
Necessary increase clerical force, say.....			15,000
Increased office equipment, annual charge, say.....			10,500
Total.....			\$97,900

The addition of a force of factory inspectors to our State Department must carry with it also some increase of the statistical force of the Department. The study of New York accident statistics from the point of view of prevention has just begun. When a report of a serious accident is received by the State Department of Labor an investigation should (and sometimes does) follow, so that information may be gained to prevent a similar one in the future. The increase of the force of factory inspectors which we recommend will make that work possible. But that is only half the value of the accident report. If the Statistical Bureau is working up to its full efficiency, the accident data should be collated in a half a dozen ways — by trades, by sex and age of workers, by grade of workers, by machines on which accidents occur, whether the accident happened while machine was in use or while cleaning, whether by defect in machine or human fallibility of the worker, etc. All that data when collected will show accurately what the real dangers are and where the work of prevention is most important. It is only by study of those collated figures, covering a considerable experience that factory inspection and accident prevention rises to the dignity of an accurate profession. It is in that department, as well as the matter of rules (largely resulting therefrom), that the reports of the British Factory Inspector (e. g. Report of 1909, p. 236 *et seq.*), are a revelation as to what factory inspection ought to be. As a matter of fact the statistical bureau of the Department of Labor, admirably managed as it is, is short handed and overcrowded. An increase of force seems absolutely necessary to an increase of its efficiency, and for that purpose we recommend an additional appropriation of \$10,000.

These changes in the law will also make necessary certain minor changes in other sections as follows:

Section 41 should be amended to read as follows:

Sec. 41. **Deputy Commissioners.** The commissioner of labor shall forthwith upon entering upon the duties of his office appoint and may at pleasure remove two deputy commissioners of labor, who shall receive such annual salaries, not to exceed [three] *four* thousand dollars [each] *and three thousand dollars respectively* as may be appropriated therefor. The powers hereinafter conferred upon the first and second deputy commissioners shall not include the appointment of officers, clerks or other employees in any of the bureaus of the department of labor.

This change is recommended in the hope that a man of the best possible type can be obtained for head of the Factory Inspection Bureau.

Section 45 should be amended to read as follows:

Sec. 45. **Sub-offices.** The commissioner of labor may establish and maintain a sub-office in any city [of the first

class] if in his opinion it be necessary. He may designate any one or more of his subordinates to take charge of and manage such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid as are other expenses of the commissioner of labor.

Change is recommended in this section in order to allow for a re-districting of the State as explained *supra*.

Section 60 should be amended to read as follows:

Sec. 60. **Chief factory inspector.** There shall continue to be a bureau of factory inspection. The first deputy commissioner of labor shall be the *chief* factory inspector of the state and in immediate charge of this bureau, but subject to the direction and supervision of the commissioner of labor.

This change is made simply for uniformity and clearness of organization.

Section 62 should be amended as follows:

Sec. 62. **General powers and duties.** 1. The commissioner of labor [may] *shall from time to time* divide the state into districts, assign one [or more deputy] factory inspector[s] *of the fourth grade* to each district *as supervising inspector*, and may in his discretion transfer them from one district to another; he may assign any [of them] *factory inspectors* to inspect any special class or classes of factories or to enforce any special provisions of this chapter; and he may assign any one or more of them to act as clerks in the office of the department.

3. The commissioner of labor, the first deputy commissioner of labor and his assistant or assistants and every [deputy or acting deputy] factory inspector may in the discharge of his duties enter any place, building or room where and when any labor is being performed which is affected by the provisions of this chapter and may enter any factory whenever he may have reasonable cause to believe that any such labor is being performed therein.

Paragraphs 2, 4 and 5 remain unchanged.

This change is to establish the several districts for factory inspection.

RECOMMENDATIONS AS TO POWER TO MAKE RULES.

A common complaint against our factory inspection is that it is not standardized or uniform; that faults which one inspector sees another passes over. We have observed how much the success of the English system depends on efficient use of rules. If the Commissioner of Labor will issue rules for his inspectors, we can hope to find inspection uniform, employers can know fairly definitely what to expect and what to do, and the inspection force will have their duties made clear and more definite. In the same way, too, the Commissioner of Labor can establish better coöperation with the employers who are active in accident inspection and with insurance inspectors. As the power has not been previously exercised we have deemed it wise to provide certain safeguards that it may not be abused.

Add to Section 81 at the end thereof, the following:

The commissioner of labor may, in order to provide for the better and more uniform enforcement of the provisions of this section and the standards herein established and to provide for the prevention of accidents in accordance herewith, from time to time make, and from time to time change or modify, general rules or regulations for the guidance of his inspectors in enforcing the standards herein prescribed as to the installation, position, operation, guarding and use of machinery in factories. Such rules or regulations may apply in whole or in part to par-

particular kinds of factories or particular machines or apparatus or to particular trades, or may apply only to machinery or apparatus installed in the future. Such rules or regulations shall be made after such consultation with representative employers and workmen as the commissioner of labor shall deem advisable, but no rule or regulation or change or modification thereof shall become effective save with the approval of the governor. Copies of such rules and regulations in force shall at all times be kept on file in the office of the department of labor in the city of Albany, and in each branch office maintained by the department for public inspection, and the commissioner of labor shall cause to be printed and distributed such further copies thereof as in his judgment may seem advisable.

RECOMMENDATIONS FOR AMENDMENTS TO SECTIONS OF THE LAW WHICH HAVE PROVED INEFFECTIVE.

In the administration of the Labor Law, certain minor defects have developed which should be changed. All of the changes which follow have the approval of the Commissioner of Labor:

Section 18 should be amended to read as follows:

Sec. 18. Scaffolding for use of employees. A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

Scaffolding or staging swung or suspended from an overhead support, *or erected with stationary supports* more than twenty feet from the ground or floor, shall have a safety rail of [wood] *suitable material*, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, *with such openings as may be necessary for the delivery of materials*, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

The proposed change of Section 18 is obviously designed to cover an omission of the present law particularly notable in New York City buildings, of iron and steel frame work, where exterior walls are put in place by the use of stationary scaffolds. The subject was discussed in the testimony before us in the second New York hearing.

Section 79 should be amended as follows:

Sec. 79. Inclosure and operation of elevators and hoisting shafts; inspection. [If, in the opinion of the commissioner of labor, it is necessary to protect the life and limbs of factory employees, t] The owner, agent or lessee of [such] a factory where an elevator, hoisting shaft[s] or well hole is used, shall cause[, upon written notice from the commissioner of labor,] the same to be properly guarded and substantially inclosed, secured or guarded *on all sides*, and shall provide such proper traps or automatic doors so fastened in or at all elevator-ways, except passenger elevators inclosed on all sides, as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage either ascending or descending[.], *and shall cause every elevator inclosed on all sides which is used for conveying passengers to be equipped with an automatic lock, which will prevent the starting*

of the elevator car in either direction while any door or gate into the elevator shaft is open. The commissioner of labor [may] *shall* inspect the cable, gearing or other apparatus of elevators in factories and require them to be kept in a safe condition.

The proposed changes in Section 79 are for the purpose of placing upon every employer in the first instance the duty of properly guarding freight elevators and equipping passenger elevators with a locking device which prevents the moving of the elevator car until all the doors or gates into the shaft are closed. Elevator accidents are not of course peculiar to factories, but the number of factory employees killed by falling down elevator shafts, or getting caught between walls or floor and the elevator car, is enough to convince us that the law in respect to guarding both freight and passenger elevators* should be more specific. Concerning the importance and practical expediency of equipping passenger elevators with some one of many automatic locking devices now on the market, we have abundant testimony. Chiefly we rely on the officials of the Bureau of Safety in Philadelphia, where a city ordinance has required such a lock for several years, and the State Inspector of Buildings in Rhode Island, where a statute requires such a lock on all elevators in the State. These officials agree that requiring elevators to be equipped with some automatic device or appliance which holds the car in place until all openings into the shaft have been closed has reduced preventable elevator accidents to a minimum.

Section 81 should be amended as follows:

Sec. 81. Protection of employees operating machinery.

The owner or person in charge of a factory where machinery is used shall provide, in the discretion of the commission of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, [while the same are in use] unless for the purpose of immediately making repairs thereto *or adjustment thereof*, and *it shall be the duty of the employer to see that* all such safeguards so removed shall be promptly replaced. All grinding, polishing or buffing wheels used in the course of the manufacture of articles of the baser metals shall be equipped with proper hoods and pipes, and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove all matter thrown off such wheels in the course of their use. Such fan shall be kept running constantly while such grinding, polishing or buffing wheels are in operation; except that in case of wet grinding it is unnecessary to comply with this provision. All machinery creating dust or impurities shall be equipped with proper hoods and pipes, and such pipes shall be connected with an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use, except where, in case of wood-making machinery, the commissioner of labor, after first making and filing in the public records of his office a written statement of the reasons therefor, shall decide that it is unnecessary for the health and welfare of the operatives. [If] *When in the opinion of the commissioner of labor* a machine or any part thereof is in a dangerous condition or is not properly guarded *or is dangerously placed*, the use thereof [may] *shall* be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. *The commissioner of labor may issue an order prohibiting the use of such machine.* Such notice shall not be removed until the

* In factories thirty-two fatalities in 1907, thirty in 1908, nineteen in 1909, were due to the operation of elevators. (Reports of Department of Labor.)

machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted, and in cities [of the first-class], if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways near the stairs upon the entrance floor and upon the other floors on every work day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights shall be independent of the motive power of such factory.

The proposed changes of Section 81 explain themselves. The only change of substance is the giving of power to the Commissioner of Labor to see that machinery is safely placed. The lack of that power in the law, as it now stands, seriously hampers his work.

PROPOSED CHANGES AS TO BUILDING INSPECTION IN CITIES.

Add after end of last sentence of Section 20 of the Labor Law the following words:

and sections eighteen and nineteen and said chief officer in any city charged with the enforcement of the building laws of such city shall have the same powers for the enforcement of these sections as are vested in the commissioner of labor.

The change proposed to Section 20 is in effect a very important change, not only as to Section 20, but as to Sections 18 and 19 as well. It has been constantly brought to our attention, by many witnesses, that in all our cities, and particularly in New York City, Sections 18 and 19 of the Labor Law are constantly and flagrantly violated. Under the law as it now stands the Labor Department enforces these Sections only on complaint, and because of the nature of the work it is extremely difficult of inspection by a centralized State Department. On the other hand, the municipal building department already inspect these buildings in any event, and may well assume the additional duty of enforcing Sections 18 and 19. If the State Department were charged with the duty of inspecting all buildings other than on complaint, it would mean an enormous increase of force. The subject is further discussed in the preceding pages of the report.

LAUNDRY WORK.

Section 92 of the Labor Law should be amended as follows:

Sec. 92. **Laundries.** A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain, *or a room where five or more persons are employed in doing laundry work by way of trade or for purposes of gain*, is a factory within the meaning of this chapter, and shall be subject to the visitation and inspection of the commissioner of labor and the provisions of this chapter in the same manner as any other factory. No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade.

The purpose of this amendment is clear. It is reported to us that the laundries of certain hotels, hospitals, etc., are in worse condition than

the public laundries now within the law. We are clear that the law should be extended to cover such cases.

EXTENDING JURISDICTION OF LABOR COMMISSIONER TO STATE WORK.

It is a matter of disgrace to the State that prevention of accidents on public work lags behind the prevention required by law of private employers. The work now going in on the barge canal shows a very large number of accidents. We are convinced that public work should be at least as well guarded as private work.

We recommend therefore the adoption of the following new section of the Labor Law:

Sec. 3-a. In case hereafter the state shall enter into any contract with any person for the performance of work, labor and services in the excavation for or construction or erection of any canal, tunnel, bridge, building or structure, such work, labor and services shall be conducted by the state, and by any contractor or sub-contractor performing such work, labor and services, in such manner and with such tools, ways, works, plant, machinery and appliances as shall make the same safe and free from danger of accident, and to insure the uniform enforcement hereof, such work, labor and services shall be performed under such orders, rules and regulations therefor in regard to such manner of work and such tools, ways, works, plant machinery and appliances as may from time to time be made by the commissioner of labor with the approval of the governor. Such rules, however, shall be made only for the protection from accidents and safety from accidents of persons employed thereunder by the state or by any contractor or sub-contractor performing such work, labor or services. Said rules, regulations or orders shall be binding on the state, on such contractor or sub-contractor, and in addition thereto on all employees thereof engaged in said work, labor and services. Copies of such rules and regulations in force shall at all times be kept on file in the office of the department of labor in the city of Albany, and in each branch office maintained by it, for public inspection, and the commissioner of labor shall cause to be printed and distributed such further copies thereof as in his judgment may seem advisable. All provisions of the labor law shall henceforth apply with the same force and effect and in the same manner as they now apply to other employers, and work, labor and services done by or for them, and to work, labor and services done by or for the state, and any such contractor, and any such sub-contractor herein above described.

INCREASE IN POWER AND DUTY OF PUBLIC SERVICE COMMISSION.

Add at the end of subdivision 2 of section 94 of the Public Service Commissions Law the following:

The commission shall investigate the cause of all accidents happening on the plants, lines or property of any such telegraph corporations, telephone corporations, and telegraph lines and telephone lines within its jurisdiction, as hereinbefore defined, which result in loss of life or injury to persons or property, and which in its judgment require investigation. Every such telegraph corporation, telephone corporation, or persons operating telegraph lines or telephone lines is hereby required to give immediate notice to the Commission of every accident happening upon the plants or lines owned, operated or controlled or leased by it or them, in such manner as the Commission may direct. Such notice shall not be admitted in evidence or used for any purpose against the parties or corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

Amend Public Service Commissions Law, section 66, by adding a new subdivision thereto, numbered 14, to read as follows:

Have power to investigate the cause of all accidents occurring on or in connection with the plants, wires, pipes, conduits, ducts, or other fixture or fixtures, in, over, under or outside of streets, highways or public places, of all persons, corporations and municipalities engaged in manufacturing, distributing or supplying gas or electricity for light, heat or power, or transmitting the same, whenever such accidents result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every such person, corporation or municipality is hereby required to give immediate notice to the Commission of every accident happening on its plant, wires, pipes, conduits, ducts, or other fixture or fixtures, owned, operated or controlled or leased by such persons, corporation or municipality within the territory over which such Commission has jurisdiction, in such manner as the Commission may direct.

Such notice shall not be admitted as evidence or used for any purpose against the person, corporation or municipality so giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

These additions will enable the Public Service Commissions to secure complete accident reports from gas and electric lighting companies, and from telegraph and telephone companies, and to investigate the causes of these accidents with a view to prevention — authority which the Commissions now have only in regard to railroads.

Section 98 of the Public Service Commissions Law should be amended as follows:

§ 98. Power of commission to order repairs or changes.

Whenever the commission shall be of opinion, after a hearing had upon its own motion, or upon complaint, that repairs or improvements to or changes in any telegraph line or any telephone line ought reasonably to be made, or that any additions should reasonably be made thereto, in order to promote the convenience or safety of the public or employees, or in order to secure adequate service or facilities for telegraphic or telephonic communications, the commission shall make and serve an order directing that such repairs, improvements, changes or additions be made within a reasonable time and in a manner to be specified therein, and every telegraph corporation and telephone corporation is hereby required and directed to make all repairs, improvements, changes and additions required of it by any order of the commission served upon it.

This amendment would give to the Commissions the same power to issue orders for the protection of employees in connection with the operation of telegraph and telephone companies which they now have in connection with the operations of railroads, and gas and electric corporations. It has been stated to us that the employees of telegraph and telephone companies are not exposed to any serious danger, but we have convincing evidence to the contrary. With these added powers we believe that the Public Service Commissions will be in a position to undertake energetically the prevention of accidents due to gas and electricity, and we commend this important matter to their attention.

PROPOSED CHANGES IN SECTION OF PENAL CODE DEALING WITH VIOLATIONS OF THE LABOR LAW.

Section 1275 of the Penal Law should be amended as follows:

§ 1275. **Violations of provisions of labor law.** Any person who violates or does not comply with:

1. The provisions of article three of the labor law, relating to the department of labor;
2. The provisions of article four of the labor law, relating to the bureau of labor statistics;
3. The provisions of article five of the labor law, relating to the bureau of factory inspection;
4. The provisions of article six of the labor law, relating to factories;
5. The provisions of article seven of the labor law, relating to the manufacture of articles in tenements;
6. The provisions of article eight of the labor law, relating to bakeries and confectionery establishments;
7. The provisions of article eleven of the labor law, relating to mercantile establishments, and the employment of women and children therein;

8. And any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affidavit, record, transcript or certificate therein provided for,

Is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than [twenty] *fifty* nor more than [fifty] *one hundred* dollars; for a second offense by a fine of not less than [fifty] *one hundred* nor more than two hundred *and fifty* dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

We recommend the addition of the following subdivision to Section 1275 of the Penal Law:

9. No sentence following conviction for violation of any of the provisions of article six of the labor law, imposed under this section, shall be suspended for more than one week.

The purpose of these changes is obvious, and seems to us to need no argument to support it. We believe that increasing the penalty for violation of the Labor Law will lend weight to the orders of the Commissioner and be of assistance to him in enforcing the law. And, as already stated, we see no necessity for suspending sentence on employers convicted of violations of the Labor Law, and consider the unfortunate practice of suspending sentence a distinct hindrance to the Commissioner in carrying out the law.

FIRE PROTECTION IN FACTORIES.

Just as this report goes to press the newspapers are full of the reports of a disastrous fire in the City of New York. More than one hundred and forty girl workers in a tenant factory loft were burned to death or jumped to death to avoid the fire. In this one accident the number of dead is almost half the number killed in all the factories of the State in a year. And most appalling of all, this calamity was easily preventable — adequate fire escapes, exits ready for use, and the practice of a systematic fire drill would have saved all the lives.

The State Department of Labor now has no authority to require fire escapes on factory buildings in New York City (*City v. Trustees*, etc., 85

App. Div. 335, 180 N. Y. 527. See 3d Report Department of Labor, p. 121), though it has outside of New York City. We do not believe that it would serve any good or useful purpose to extend this authority of the Department to New York City. It would require a large increase of force and would involve a work of inspection very difficult for a State Department, because the problem in New York City is a peculiar one, depending largely on local conditions. More, such an extension of the State authority would mean duplication of the work of the local inspecting force, and the administrative difficulty of having two sets of standards for fire protection existing side by side in the same city. Particularly is this true now when the recent calamity has aroused the municipality to its full duty and the evil of divided responsibility among the several city departments has been brought home to the public mind.

But this tragedy cannot but serve as a terrible warning to the Department of Labor and to the municipalities of the urgent need of fire protection. It should lead the State Department of Labor to make such inspection and requirements as will insure that no such catastrophe can occur in any other part of the State, and in order that its powers may be broad enough to accomplish the best possible result, we recommend the following changes in the Labor Law:

We recommend the adoption of the following new sections to the Labor Law:

§ 83-a. Each tenant or occupant of a building or part thereof used as a factory shall provide in such building or part and keep in good condition suitable and adequate exits by windows, doors, stairways, ladders or fire escapes for prompt egress by persons employed therein at all times in case of fire and shall provide where needed suitable partition walls of iron, wire-glass or other suitable materials therein adapted to prevent the spread of fire, and shall provide and keep in good condition suitable and adequate apparatus for extinguishing or preventing fires therein by means of hose, water supplies, automatic sprinkler apparatus or other fire extinguishing apparatus and when needed such fire alarm apparatus as shall insure prompt notice in case of fire; and shall provide suitable instruction to all persons engaged therein as to exits, and where more than fifty persons are employed on the same floor shall cause to be established and at least once each six months and as much oftener as the commissioner of labor may require, to be practiced fire drills for the egress of persons employed therein, and shall keep inflammable material and quickly burning material as far as is practicable removed from proximity to persons engaged in working therein, and shall keep all doors, windows, passages, stairways, fire escapes and exits at all times open and clear of obstruction in case of fire, and shall so space and place machinery that it shall not block the egress of persons employed therein in case of fire, and shall so limit the number of persons employed in any such building and part thereof that it shall not be greater than the number for which prompt and efficient means of exit in case of fire are at all times provided.

The commissioner of labor in requiring the performance by such tenant or occupant of the duties herein established may on failure thereof by order prohibit the use of such building or part thereof by such tenant or occupant as a factory, and after such prohibition and until such duties are complied with the use thereof as a factory is forbidden.

§ 83-b. Rules and regulations. The commissioner of labor may make and from time to time change and modify appropriate and reasonable rules and regulations for the enforcement of the duties created by sections 82, 83 and 83-a, of this chapter, which for such purpose shall be binding upon all persons upon whom duties are imposed by such sections.

§ 83-c. When the commissioner of labor shall be of the opinion that any person or corporation subject to the duties

imposed by sections 82, 83, 83-a, or 83-b of this act is failing or omitting to do anything required to be done by him or it, by law, or by order, or rule, or regulation of the commissioner of labor, or is doing anything or permitting anything in violation of said sections, or of such order or rules or regulation, he may commence an action or proceeding by mandamus on his relation for the purpose of having such violation stopped or prevented by injunction or writ.

In addition to the general extension of the powers of the Commissioner with regard to fire protection in factories, we recommend the following amendment to Section 80, the chief purpose of which is to extend the requirement that doors shall not be locked during working hours and that they shall open outwardly where practicable, so that it shall clearly apply to doors leading into lofts and floors where large numbers of employees are at work. The fact that after the recent fire in New York City the bodies of girls were found piled up against the doors leading to the exits is sufficient argument for this amendment.

Section 80 of the Labor Law should be amended as follows:

§ 80. **Stairs and doors.** Proper and substantial hand rails shall be provided on all stairways in factories. The steps of such stairs shall be [covered with rubber, securely fastened thereon, if in the opinion of the commissioner of labor the safety of employees would be promoted thereby. The stairs] *kept in good condition and covered with suitable material, and shall be properly screened at the sides and bottom.* All doors leading in or to any such factory, *or in or to any room or floor of such factory in which twenty or more employees are employed at one time,* shall be so constructed as to open outwardly where practicable, and shall not be locked, bolted or fastened during working hours. No door, window or other opening on any floor of any such factory shall be obstructed by stationary metal bars, grating or wire mesh. Any metal bars, grating, or wire mesh provided for any such doors, windows or openings shall be constructed as to be readily movable or removable from the interior in such a manner as to afford the free and unobstructed use of such doors, windows or opening for purposes of egress in case of need.

While, as we have stated, we do not recommend the extension of the duties of the Commissioner of Labor over the matter of fire protection in New York City, it is subject to one exception. At the present time no factory can be operated in a tenement house in the State of New York without consent and license of the Commissioner of Labor. The great majority of the tenements in which factory work is now carried on by license are in the City of New York, so that the Commissioner of Labor now has by existing law in his sole jurisdiction the question of licensing these tenements, but the discretion which rests in him as to licensing or failing to license a tenement factory is governed merely by the question whether or not the tenement is in a sanitary condition. He has no power to consider whether or not the tenement house has adequate fire protection. Under any rule or law which the City of New York has adopted or may adopt for the building of tenement houses it may well be that the fire protection required is sufficient while the building is used as a tenement, and that it becomes insufficient when factory work is carried on in it. So that it would seem advisable that the Commissioner of Labor should issue a license only when he is also satisfied on the question of fire protection, and we recommend the following change in the laws to carry out that power:

Subdivision 3 of section 100 should be amended as follows:

§ 100. 3. Upon receipt of such application the commissioner of labor shall consult the records of the local health department or board, or other appropriate local authority

charged with the duty of sanitary inspection of such houses; if such records show the presence of any infectious, contagious or communicable disease, or the existence of any uncomplained-with orders or violations which indicate the presence of unsanitary conditions in such house, the commissioner of labor may, without making an inspection of the building, deny such application for a license, and may continue to deny such application until such time as the records of said department, board or other local authority show that the said tenement-house is free from the presence of infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the building sought to be licensed must be made by the commissioner of labor, and a statement must be filed by him as a matter of public record, to the effect that the records of the local department or board or other appropriate authority charged with the duty of sanitary inspection of such houses show the existence of no infectious, contagious or communicable disease nor of any unsanitary conditions in the said house; such statement must be dated and signed in ink with the full name of the employee responsible therefor. A similar statement similarly signed, showing the results of the inspection of the said building, must also be filed in the office of the commissioner of labor before any license is granted. If the commissioner of labor ascertain that such building is free from infectious, contagious or communicable disease, that there are no defects of plumbing that will permit the free entrance of sewer air, that such building is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful conditions, *and that all suitable precautions against danger by fire in said building have been taken*, he shall grant a license permitting the use of such building, for the purpose of manufacturing, altering, repairing or finishing such articles.

Subdivision 4 of section 100 should be amended as follows:

§ 100. 4. Such license may be revoked by the commissioner of labor if the health of the community or of the employees requires it, or if the owner of the said tenement-house, or his duly authorized agent, fails to comply with the orders of the commissioner of labor within ten days after the receipt of such orders, or if it appears that the building to which such license relates is not in a healthy and proper sanitary condition [.] *or not in a safe condition as regards danger from fire*. In every case where a license is revoked or denied by the commissioner of labor the reasons therefor shall be stated in writing, and the records of such revocation or denial shall be deemed public records. Where a license is revoked, before such tenement-house can again be used for the purposes specified in this section, a new license must be obtained, as if no license had previously existed. *Every such license granted before April first, nineteen hundred and eleven, shall become null and void and revoked on January first, nineteen hundred and twelve.*

CONCLUSION.

It would be misleading were this report to close without a word as to the relative importance of the legislation we recommend. The problem of accident prevention is the problem of foresight and care. No law or laws, no inspection, can do more than help in accident prevention if care is lacking. The great work of the State in this field is educational and not

punitive. The employer must come to a sense of his responsibilities to his men; if our laws fail to bring that home to him they will fail of their purpose. The foreman must come to feel that his duty is not merely to get out the product, but to get it out safely. The workman must learn not only that the laws of the State protect him, but that he has a duty to help prevent accidents. There must be earnest effort on the part of the workmen, individually and through their organizations, if industrial accidents are to grow less. The laws and the inspection we recommend will be of little effect without co-operation of workmen and employers in this common work.

Respectfully submitted,

J. MAYHEW WAINWRIGHT,
Chairman.

F. C. PLATT,
HOWARD R. BAYNE,
From the Senate.

A. D. LOWE,
GEORGE A. VOSS,
F. B. THORN,
CYRUS W. PHILLIPS,
EDWARD D. JACKSON,
From the Assembly.

HENRY R. SEAGER,
GEORGE W. SMITH,
OTTO M. EIDLITZ,
JOHN MITCHELL,
CRYSTAL EASTMAN,
Appointed by the Governor.

JOSEPH P. COTTON, JR.,
Counsel to the Commission.

APPENDICES.

APPENDICES.

APPENDIX I.

REPORT OF COMMISSIONER OF LABOR JOHN WILLIAMS ON PREVENTION OF ACCIDENTS IN GREAT BRITAIN.

To the New York State Commission on Employers' Liability and Causes of Industrial Accidents:

In response to the formal request of your honorable body, and with the consent of Governor Charles E. Hughes, I undertook during the summer of 1910 to observe conditions in manufacturing establishments in Great Britain, with special reference to the methods employed to prevent accidental injuries or happenings to persons employed therein, and beg leave to submit for your consideration a statement containing the results of such observations, together with certain conclusions based thereon.

I left New York on July 10, and shortly after my arrival in England I communicated with the British Chief Inspector of Factories, and visited the Home Office, London, where I made arrangements for the co-operation and assistance of His Majesty's Inspectors of Factories in the various cities and towns we expected to visit. I was most cordially received and was assured of the heartiest good will and help of the British Department of Factory Inspection. It is with sincere pleasure that I record the unfailing courtesy of every official with whom we came in contact. I submitted a tentative itinerary to the Home office, and was later advised of the special instructions issued by the Deputy Chief Inspector to the Superintending Inspector at each place mentioned in my schedule. Pursuant to those instructions, we were given an expert inspector to accompany us into every place visited.

The inspection or observation tour was made in company with Mr. George Gilmour, special representative of your Commission.

Mr. Gilmour arrived about the first of August, and one week later I met him in Glasgow, and our work thenceforward was exacting and heavy. While together our itinerary covered the following important industrial centers: Glasgow, Edinburgh, Newcastle-on-Tyne, Gateshead-on-Tyne, Leeds, Sheffield, Salford, Manchester, Birmingham and London. The establishments we were privileged to inspect were in many respects typical or representative of almost every class of factories using machinery.

In order that the time spent should be made to yield practical results, I decided to confine myself to the consideration of two points, namely: the degree to which factory conditions, methods and machinery in Great Britain are comparable with those found in similar establishments in the State of New York, and the relative efficiency of means employed to safeguard the persons of those at work therein both over there and in this State. In the discussion of these two questions, however, it will be necessary to consider the differences in conditions and methods arising out of the difference between the laws of Great Britain and those of our commonwealth, as well as certain ethnical facts which, in my opinion, have a direct bearing upon the question of safety of life and limb in our factories.

CAUSES AND PREVENTION OF ACCIDENTS.

A cursory examination of British reports touching upon industrial accidents and a comparison of these statistics with those published by our Department reveals the fact that there is no great difference in the causes of accidents the world over. This view was confirmed in our conversation with the inspectors who accompanied us through the plants visited.

There are two kinds or groups of accidents, preventable and unpreventable. There is no absolute rule according to which these classifications can be applied to the incidents that result in physical injuries, and yet we know that every accident belongs in one or the other class. This discussion is concerned with preventable accidents, the causes thereof and the best means adapted to their prevention.

HUMAN ELEMENTS IN THE CAUSATION OF ACCIDENTS — CARELESSNESS.

I. CARELESSNESS OF THE INJURED.— That this is a fruitful source of accidents is attested by many that suffer injury — by employers, fellow workmen and inspectors. The danger of physical injury by contact with the moving parts of power-driven machinery is ever present in every establishment where such machinery is in use, and the operator is constantly subject to this form of industrial hazard. The accident when it occurs is generally due to indifference of the injured to danger, and this indifference in many cases is born of contempt by reason of long continued familiarity with the operation or mechanism which is the immediate cause of injury. Illustrations of this type of individuals have been brought to our attention quite frequently. Inspectors recommend the installation of a guard on a machine only to be told by the operator that no guard is needed, that he has used the machine in its unguarded condition for many years. The inspector, nevertheless, issues an order requiring a guard and later returns to see if his order has been complied with, and finds that before anything was done the operator used the machine without a guard once too often, and as a result carries the mark of his carelessness or indifference to danger during the remainder of his life. Or, the inspector finds that the operator has deliberately removed a guard and in consequence has sustained injury. The cynic might remark that such accidents may be necessary to teach the value of carefulness. On the other hand, the fact that a large number of men who are constitutionally careless are given employment in manufacturing establishments imposes the duty upon society of safeguarding them against the consequences of their own neglect. Men often undertake tasks involving risks without thought of danger or possible accidents, and they fail to use ordinary caution. Difficult things must be done and men must be found to do them, but the lack of the sense of responsibility so frequently manifest is an element to be reckoned with in relation to the causes of accidents.

Workmen are also careless in the matter of their workshop clothing. Many accidents are due to loose sleeves, aprons, torn overalls, etc. When such fibrous material gets in the revolving parts of machinery, serious injury is almost inevitable.

Foolhardiness is a form of carelessness. Many accidents happen as a result of foolish acts. Safeguards mean nothing to the class of persons who delight in reckless deeds for the purpose of "showing off." Such actions indicate a deficient mental makeup, entirely lacking in prudence or the sense of danger. Men of this type do the most unaccountable things and if injured in consequence of their folly, they can furnish no reason for the act resulting in their injury. They are a source of danger to themselves and to others, and their employment should be dispensed with, or they should be so located in the works as to render it difficult for them to indulge their foolish propensities.

II. CARELESSNESS OF A FELLOW WORKMAN.— It often happens that a person is injured as the result of a careless act on the part of another. Such accidents are difficult to deal with except through the application of disciplinary methods. A careless individual should not be permitted to remain in any place when his habits endanger those who are his fellow employees. Indifference or thoughtlessness is a habit of mind that cannot be corrected by legislation. Employers alone can eliminate this source of danger.

III. CARELESSNESS OF THE EMPLOYER.— A large proportion of accidents are properly attributable to the carelessness of those injured and of their fellow workmen. But it is my opinion that a heavy burden in this respect must be laid at the door of the employer. Every preventable accident caused by an unguarded machine, an exposed set-screw, a projecting bolt or key, an uncovered or uncased gear, an unguarded belt, pulley or shaft, an unguarded or unfenced elevator, a poorly lighted workroom, passage or stairway, the use of unsound or defective machines or hand tools, the improper spacing or crowding of machinery, in short, every accident traceable to one or more of the foregoing causes, which implies failure to comply with the Labor Law, is properly chargeable to the carelessness of the employer.

In examining the reports of accidents we find a tendency on the part of employers to cover their own neglect by alleging carelessness on the part of the injured. Such allegations are frequently true, but the employer's negligence in many cases was pre-existent in that safeguards had not been provided.

The employer is also guilty of carelessness when he employs "green" hands for operations requiring skill and care, or when he permits the placing at work of men of limited experience and therefore lacking in comprehension of the dangers and danger points in his plant. I am not unmindful of the demands of growing industries and that it is necessary to recruit in order to keep up an effective organization, but a discerning judgment should be exercised so that by a process of elimination the unsuitable or careless may be removed from danger zones.

I think it is susceptible of proof that the employment of a large number of non-English speaking aliens renders the liability to accidents considerably greater, and in this respect conditions in our State are much worse than in England, where practically all factory and shop work-people speak one language. The inability of workmen to understand instructions given by foremen and others, or to express intelligibly their own thoughts, results in confusion and consequent danger.

The employer is also often careless in the matter of shop or factory discipline. Definite rules regarding safety should be established by every employer and infractions should be followed by the imposition of prescribed penalties. By this method only could employees be made to use safeguards and other precautions for their safety. Every employer is blameworthy who fails to give special attention to the subject of safety in his plant or upon his works. This matter should not be left to haphazard individual initiative. Responsibility should be squarely placed and there should be unquestionable authority and determination to enforce reasonable obedience to all regulations relating to the subject.

If every employer furnished tools that were sound and equipped with the best and most practical safety devices that human ingenuity could devise, and every place of employment was structurally safe, well-lighted, ventilated and sanitary, and in all respects, so far as human fore-thought could make it, free from danger, and if every employee was thoughtful concerning his own and his fellow employee's welfare, and considerate of the interests of his employer, industrial accidents would soon diminish in number. But, too many employers are selfish, and think only of returns from their investments; they prefer to insure against liability for injuries sustained by their workmen rather than spend a little time and money to make conditions better and safer upon their work. So also the employees, with inexcusable recklessness and lack of caution, help to multiply the number of accidents. What then is to be done? The State in defence of itself must extend its paternal authority. It must compel the use of means for safety — not merely so far as the employer is concerned in the matter of furnishing such safeguards, but also in regard to those who use them for their own protection. That this is the remedy cannot be doubted since the most advanced of the world's manufacturing nations have adopted it. The duty of our State is clear and unmistakable. Our laws which have been designed to promote safety should be strengthened and the agencies provided for their enforcement should be brought to the highest attainable standard of perfection.

England for more than half a century has been working upon the problem of safeguarding its factory population. Its task has been heavier probably than that of any other government and its progress therefore more difficult and slow. That it still recognizes the incompleteness of the work is evidenced by the additions made in recent years to its already large force, and by the policy of specialization in every direction where inquiry and investigation disclose new or previously undiscovered sources of danger. It is to England's everlasting credit that in the conservation of her resources as represented in her vast industrial armies she spends of her treasure freely and intelligently.

It was a source of keen personal pleasure to be privileged to observe at close range the character of her employers, workmen and governmental agencies charged with the duty of administering her Factory Acts, and to note the cordiality in the relations between the State authority and those subject to regulation.

The following notes contain the substance of my observations:

METHODS AND MACHINERY.

Upon this point there is not a great deal to be said, inasmuch as methods of work and machinery used in the manufacturing establishments in Great Britain are very similar in character to those found in our establishments. Many American-made machines are found in England, just as the products of English engineering works are found in use in certain plants in our State. A few observations, however, will not be amiss.

POWER TRANSMISSION MACHINERY.

The motive power in almost all plants visited was steam, and the question of boiler inspection seemed to be given very thorough attention, boiler inspection reports constituting an essential part of what is known as the factory register.

Engine rooms generally were in excellent condition, flywheels, belts, rope drives, cranks, platforms and all other danger points being securely fenced; steam and water gauges were so enclosed that in case of bursting persons in proximity thereto would not be liable to injury by flying glass or steam or boiling water. In respect to these matters, the British inspectors did not seem disposed to take it for granted that any plant, however situated, was free from

danger. The wheel pits, platforms, etc., were equipped with fencing so erected as to keep persons at a safe distance from points of danger.

GENERAL OBSERVATIONS ON FACTORY CONDITIONS.

The means of communication between the several floors of factories were not as well provided with safeguards as they are in this State. I refer to the absence of handrails on stairs; with a few exceptions the stairs in British factories lacked this somewhat essential means for the prevention of accidents. The methods of safeguarding elevators did not differ much from those obtaining in our factories.

When we came to the examination of the factories proper, with their endless variety of equipment, I was impressed by the general thoroughness in the matter of the use of means to cover or fence dangerous parts of machinery and points of possible physical contact where danger of injury was obvious. Belting, whether running vertically or obliquely, was securely boxed or fenced, and if running horizontally, at points low enough to be touched by persons passing thereunder, it was amply screened so as to prevent accidental contact. Pulleys, both on machines and countershafts, were adequately fenced wherever such a course seemed necessary. Gears and moving parts of machinery were covered solidly or by means of a gate hung to the frame of the machinery, the body or panel of the gate being covered with strong wire mesh or expanded metal. The latter method offers many advantages over the solid cover for gears, for it permits a group or train of gears to be made absolutely safe, while at the same time every gear is plainly visible; the gate can be locked and opened at will for any needed adjustment or repair. Where gear or cog wheels are so large as to make impracticable either of the methods described, fencing at proper distances should be resorted to. Exposed edge or cutting tools are guarded in a fairly satisfactory manner; it is evident, however, that with respect to these machine parts as factors in the causation of accidents, the British inspectors are feeling their way with caution; they have not adopted any particular method or kind of guard for the various kinds of tools and operations. That this is the case is apparent from the fact that the styles of guards differ according to locality and the ideas of different inspectors. They recognize that the safeguarding of machinery is a progressive science, and, therefore, that it would be idle to adopt and prescribe the use of special devices. I think, however, that a type of guard may well be adopted and insisted upon in many cases, leaving the factory owner free to choose such adaptations of that type as may appeal to him.

Another fact that impressed me favorably was the substantial character of the means adopted for safety. There was no disposition, ordinarily, to install makeshift or flimsy guards or fences. Inspectors and proprietors were as one in making provisions for safety substantial, adequate and effective.

Inspectors were keen and alert and evidently very close observers and students of the problems committed to their care. This we gathered from their discussion of industrial accidents generally.

SPECIAL NOTES ON THE VARIOUS ESTABLISHMENTS VISITED.

TEXTILE AND ALLIED INDUSTRIES.

Plant No. 1.—Cotton Spinning: In this establishment cotton was taken from the bale and passed through the various processes until made up in hanks ready for the market.

We examined the machinery, beginning with the breaker or bale opener, then the pickers, cards, finishers and spinning frames. Belts, pulleys and gears were very well fenced or guarded, showing commendable activity and co-operation between inspectors and proprietors. Belt shifters were in general use, but we were informed by the works manager that the employees were at first prejudiced against their use on some machines, notably the carding machines; later they changed their views and now regard them with favor. The cylinder of carding machines is fitted with a door which must be opened whenever it is necessary for the operative to get at the interior parts of the machine or when the card is to be "stripped." Until recently all carding machine manufacturers placed their products upon the market without any locking device or attachment to control the door mentioned; the result in many instances has been the serious injury of the operative, who was unfortunate enough after opening the machine while in motion to get his hand in contact with the brush-like steel-clad cylinder of the card. This was the type of cards in use in this plant. The matter of equipping these machines with a locking device that would prevent the opening of the door until the motion of the machine had stopped was under consideration. This has been successfully accomplished by several manufacturers

of machinery in England, and in almost all cases the locking device is operated or controlled by the belt shifting attachment. I believe it would be practicable to make the locking device and the belt shifter interdependent upon each other. In other words, the relation of each to the other could be so arranged that the door could not be opened until the power was shifted to the loose pulley and the mechanism had stopped, and further, that the power could not be again shifted from the loose to the tight pulley until the door had been closed and the locking device properly engaged. On all mule spinning machines the gearing on the head stock was effectively covered. The mule carriage wheel has been the frequent cause of accidents. The "mule spinner" or operative usually works barefooted and the traveling frame on its outward run is liable to catch his foot between the wheel and the track. A simple and ingenious "shoe" has been fitted to the wheel. This shoe rests upon the track and slides freely with the motion of the wheel, and any substance or material lying on the track is simply pushed out of the way without causing any harm. Protruding set-screws, bolts and keys were not in evidence. Power generating and transmitting plant was well protected in every respect, substantial iron railings surrounding engines, wheel pits, etc., to such heights above the floor as to make accidental contact with the moving parts of the machinery or with the belting practically impossible.

Plant No. 2.—Worsted and Woolen Cloths: This was an old-established plant, well equipped in every respect. The machinery was in excellent condition, gears and other revolving parts which might cause accidents being covered or effectively fenced. Mule spinning machines were guarded as described in the preceding paragraph. In the weaving sheds the looms were somewhat crowded. The element of danger arising from this condition was largely overcome, however, because special care had been taken to cover or protect dangerous parts of the machinery. In weaving, the shuttle is propelled back and forth by automatically released springs; it travels crosswise between the strands or warp of the cloth; sometimes it flies out with terrific force; if it comes in contact with the person of the weaver or some one in the line of its motion, it causes serious and painful injury. Several types of shuttle guards have been in use for some years and the looms in this plant were all equipped with a rigid bar extending clear across the frame and placed just above the space traversed by the shuttle. This bar is intended to prevent the shuttle from flying upward, and in the event of its getting out of the regular course, the liability of serious injury is lessened.

There was in this establishment one dangerous machine practically unguarded. Our guide through the works called it "the shaver." This machine was fitted with razor-edge cutters attached to a rapidly revolving cylinder; the dyed cloth is passed through on rollers and the cutters take off the superfluous nap. The inspector who accompanied us stated that he was uncertain as to how it could be effectively guarded. A heavy felt flap falling over the "cutter" roll was the only attempt at guarding it.

Plant No. 3.—Cotton Spinning and Weaving: This was in all respects a splendid plant. Starting with the bale openers not a machine could be seen that had not received most thorough attention from the standpoint of safety. It would have been impossible for a finger to be caught in a gear or cog, they were so thoroughly covered and the covers were of substantial iron castings and as neatly finished as any essential part of the mechanism. All carding machines were fitted with belt shifters and in connection with each shifter was a device controlling the opening and closing of the door of the cylinder. The arrangement and adjustment of the attachment was such that the door could not be opened until the revolutions of the mechanism had fully stopped, nor could the machine be again started until the door had been tightly closed. I regard this device as one of the important things brought to our attention. Steps should be taken to induce textile manufacturers in this State to adopt it.

While in this establishment we were shown an equipment which, though not in the nature of an accident preventive, might be used for the purpose of cleaning machinery while in motion without endangering the operatives. This equipment consisted of a system of compressed air exhaust or vacuum cleaners so arranged as to remove all dust released during the process of stripping the card. By the application of this device not a particle of dust or fibre escapes into the room; all dust and loose fibre is deposited in a receiving vault connected with the pumps that operate the system. By the use of a flexible hose with proper attachment and connected with the main line of piping, accumulations of dust or fibre on moving parts of machines may be easily removed without incurring the slightest danger, the suction of the system being strong enough to draw all loose material into the orifice of the attachment.

The spinning machinery from the standpoint of safety was in excellent condition. The grip of the "faller" shaft of the mules was better protected than in the plants hereinbefore described. The guard consisted of a solid band of metal about three inches wide completely covering the grip so that the operative's hand could not accidentally be placed in a position to be caught when the grip dropped and engaged the shaft.

In the weaving room the same regard for safety was apparent — the revolving parts of looms were properly fenced or covered and a very effective shuttle guard had been attached to the beam of each loom. It consisted of a bar of iron so adjusted that it stood out from the beam just far enough to allow the shuttle, in case it flew out, to be tightly caught between the bar and beam.

Plant No. 4.— Fine Cotton Spinning: This also was in every respect a splendid plant. All that I have written concerning the safeguarding of machinery in other plants is applicable to this concern.

The ventilation of this establishment attracted my attention. The air delivered in the workrooms was mechanically washed and reached the employees in a high state of purity. This provision was not wholly altruistic, for it was commercially important that the fibre handled should be kept perfectly clean or it would fall below grade. The employees however, enjoyed the benefits of the system of ventilation.

In the spinning room the mules were spaced so as to eliminate the danger of the operative being caught either between the machines or between the traveling parts of mule carriages and stationary parts of the mill structure.

Wire mesh fencing was largely used to cover revolving parts of machinery where it was necessary for the operative to see such parts or where it seemed unnecessary to completely cover the gears, etc. This fencing was either portable or hinged to the machines so as to insure greater accessibility.

Plant No. 5.— Dyeing and Cleaning: In this establishment nothing new was noted in machinery guards. Some very large hydro-extractors were in use without any covering or protection. Small extractors were completely covered, but some American safety attachments that I have seen applied to similar machines, are superior in that they are so constructed as to make it impossible for the operative or tender to open the machine until the power has been disconnected.

A branch of this plant was given over to "dry cleaning." This was isolated and very strict rules had been established by the concern in order to minimize the danger of combustion. Fire or naked lights were absolutely prohibited in proximity to this dry cleaning department and an excellent plan had been adopted to remove the fumes generated. Ducts had been constructed under the floors, these ducts were properly connected with a main to which was attached a powerful exhaust fan, by this means all fumes were drawn out of the room and released in the open air about 15 or 20 feet above the ground. The structure itself was built of fireproof material.

STEEL AND IRON, ETC.

Plant No. 1.— Structural Steel: A very complete plant employing nearly 2,000 men. Engaged in producing steel and rolling it into I-beams, angle bars and other forms of structural steel. There was also an assembling shop where the steel for certain structures was being fabricated.

The heavy machinery of the rolling mills was most securely and safely guarded, not by means of individual coverings but by the erection at proper points of heavy screens or fences. The movement of superheated steel ingots from point to point by means of rollers and tracks controlled from a bridge overlooking the mill floor was most interesting. Proper barriers had been erected where necessary to facilitate the safe handling of the steel from the time it left the furnace until it was ready to be placed with the stock of finished product. The precision with which everything moved and the total absence of nervous excitement among the workers in the plant, impressed me as an important factor in the elimination or reduction of accidents to an attainable minimum. The men working around the furnaces wore colored spectacles to protect their eyes from the intense glare of the fires.

I observed here and there an unguarded set-screw but it was evident that the policy of the owner was to take proper account of such matters, for I saw many set-screws that were countersunk while in some cases the hollow set-screw was in use.

Plant No. 2.— Pig Iron Department: I was particularly impressed in going through this establishment by the thorough manner of guarding platforms, runways and stairways

used by the men who were handling the ore. Substantial handrails and fences were in place, especially at the top where the ore was dumped into the furnaces. The doors of elevator shafts through which the ore was conveyed from the ground to the upper runways and platforms were not properly guarded and the inspector accompanying us called the attention of the general manager to the omission. The power generating plant in the matter of safety was ideal as were also all the electrical stations.

Acid Department: Every part of this branch of the business was thoroughly guarded so as to prevent employees from accidental contact with dangerous fluids. Vats and receptacles were securely fenced and gearings of machinery either covered or made inaccessible while in motion.

Cement Mills: Machinery in this part was driven by electricity. The power station was in a separate room and well guarded in every respect. Grinding machinery was perfectly guarded, gears, conveyors, etc., being completely enclosed so that contact therewith was out of the question unless the operative deliberately removed the casings or guards. Where it seemed impracticable to cover shafting or other machine parts which might cause injury, substantial railings had been permanently erected.

A splendid exhaust system had been installed to collect and remove dust so as to minimize the dust problem. To entirely eliminate dust in a cement plant is quite out of the question.

Plant No. 3.—Armor and Ordnance: A very extensive plant with an excellent organization producing armor plate, ordnance, tools and machine parts. Its mechanical equipment was as complete as human ingenuity could devise and thoroughly fitted with the most approved safeguards.

We were informed by one of the responsible heads of the concern that accidents frequently happened, but more as a result of the failure of the employees to obey the rules laid down for their guidance by the management than because of any fault of the employer. To illustrate this the following instance was related: In what is known as the "fettling room" the burrs and surface imperfections of castings are taken off, the men working in that room are required to wear goggles to protect their eyes. One man persisted in disobeying the order although threatened with dismissal. One day, while working without the glasses, a piece of steel flew into his eye, as a result of the injury he lost the eye and claimed compensation. He sued to recover and in spite of evidence establishing his own disobedience of rules, he recovered heavy damages. The case was carried to the highest court (The House of Lords) and the verdict of the lower court sustained. This case emphasized the importance of a strict enforcement of shop rules.

The machine shop, rolling mill and erecting shop were in first class condition. There was nothing to be desired in the matter of safety except perhaps a few incomplete gear guards where the teeth or mesh was not entirely covered. Drill presses, planers and lathes were all well protected. Cutters on milling machines were not guarded but the element of danger was not very serious except upon the rapid motion milling machines. It is difficult to apply guards to these cutters, for it is absolutely necessary that the person operating the machine be able to see the work at the cutting point. Yet it must be admitted that a rapidly revolving milling machine cutter is an ugly and dangerous thing to come in contact with, and human ingenuity should be applied to the production of an effective and practical guard.

Plant No. 4.—Steel Springs, Tool Steel, etc.: This establishment so far as its machine shop or engineering department was concerned was fairly typical. Gears, belts, pulleys and obviously dangerous places being well guarded. Stairs and passageways were dark and were not equipped with handrails. Heavy wet grinding was done here, huge sandstone grinders being in use. This work is attended with but little danger except when it is necessary to dress or true up a stone; at that time, if there be a flaw in the stone, a fracture is apt to develop and it flies to pieces. These stones are revolving rapidly while subjected to the dressing process and if a fracture should occur, the operative would be liable to sustain very serious injury. To overcome this danger, all such grinding stones are protected at the point where the grinder sits, by means of heavy wood blocks securely anchored with chains; these blocks are presumably so located as to receive the full force of the flying pieces. How effective this would be to prevent accidents I am unable to determine but it may be assumed that the British users of the type of grind stones described have had experiences demonstrating the utility of the arrangement.

Plant No. 5.—Textile Machinery: This establishment consisted of a blacksmith shop, machine shop and erecting shop and was well equipped with safety appliances. The chief

product of this plant was spinning machinery. It was interesting to note that not only were the tools in use, of all description, well guarded, but the product was also fitted with the most approved guards. Here we saw new carding machines being fitted with a device, described in the preceding pages, to control the opening of the door to the cylinder chamber. The concern has a patented attachment of its own, but we were informed that upon the request of a buyer they install any other kind that may be desired.

Plant No. 6.—Tools, etc.: In this establishment there were in use the usual type of lathes, planers, milling machines and drill presses. All revolving parts, gears, belts and pulleys were well protected by means of covers or fencing. An ingenious arrangement was in use to prevent operatives on turret lathes from coming in contact with the revolving bar, the bar being fed into the lathe through a long stationary iron tube held in position by portable iron standards. It was here that we first saw any attempt to guard a horizontal milling machine cutter. This guard was so arranged as to effectively protect the operative against accidental contact with the cutter while not interfering with his view of the operation or working of the tool. The guard was suspended over the cutter by means of a horizontal steel rod or arm extending from the frame of the machine and in such a manner as to be easily adjusted. The cover or guard was made of sheet steel slotted so as to expose the tool to the vision of the operative.

Plant No. 7.—Dynamos and Steam Engines: The same degree of care on the part of the owner and thoroughness of inspection we noted in the other plants was manifest in this establishment. The works' manager was very keen on the question of safety.

In the machine shop every exposed gear which might cause injuries to operatives was covered, and belts, pulleys, keys, set-screws and dangerous revolving parts of machinery were either fenced or covered. The safeguards were applied without affecting or reducing the producing capacity of the plant. We saw in this shop another type of guard for a horizontal milling machine cutter which was firmly attached to the framework of the machine. It was kept in position by means of two spring steel grips which engaged the shaft or arbor on each side of the cutter. In this frame was fitted a sheet of clear celluloid or plate glass through which the work could be watched without danger of contact with the tool.

In the erecting and testing shop the precaution against accidents seemed to be adequate and effective. Owing to the shifting character of the work, the safeguards consisted largely of substantial portable fences labeled "danger" in large characters.

Chains and hooks used in handling huge steel and iron castings were properly tested at stated periods and a record of such tests kept for reference, and the chain or hook tagged.

In the woodworking department the same thorough attention to safety was evident. Band saws had both lower and upper wheels fully covered and a vertical guard was in position to prevent the operative's head from coming in contact with the saw in the event of his slipping while using the machine. All the woodworking machines below the bed or table were boxed tight and signs were painted on all machines calling attention to the need of using guards.

Well holes in floors used for convenient handling of material from floor to floor were thoroughly fenced with permanent iron railings some of which had removable parts, but the standards were bolted to the floors.

Plant No. 8.—Railway Carriages: Our attention in this plant was devoted to the woodworking department. This was situated in a large room with ample space for handling large work. Saws, planers, stickers, variety machines, borers, band saws and other kinds of woodworking machines were in use. Circular saws were equipped with a "riving knife" and top or over-covering guards. There is not much difference between the British saw-guards and those in use in our State. Grooving saws were fitted with an ingenious arrangement which served the double purpose of keeping the work down tight on the saw table and preventing the operative from contact with the saw. It consisted of two arms or bars of iron fitted with a wooden shoe, one bearing down on the piece to be grooved, the other engaging the side so as to keep the wood tight against the table guide. Band saws were securely boxed beneath the table and a metallic head guard placed directly in front of the cutting point of the saw; this had been so arranged as not to interfere with the changing of the saw. Planers were not so effectively guarded as in some other plants.

All machines below the bed or table were securely boxed, and belting, pulleys and gears well fenced or covered.

Material was carefully stacked so as to facilitate safe handling.

Plant No. 9.— Tin Plate Stamping: All stamping presses in this establishment were fitted with a patent guard which is a fairly effective accident preventive for this type of machines. This guard is in the form of a collapsible gate which moves quickly across the bed of the press, from right to left between the operative and the die. Its mechanism is released when the press is "tripped." I would consider it effective in all cases where the punch must travel not less than one inch before it engages the material to be perforated or stamped. The motion of the guard is rapid and it would push the operative's hands out of danger rather roughly. This would of course be better than to have the hands crushed, moreover, it would probably bruise the hand or wrist so that a person would not readily forget the contact.

In this shop was found a splendid system of machinery inspection. Each machine was inspected twice daily by a specially designated person and a record of such inspection entered upon a card attached to each machine. This card contained spaces to cover inspection for six days. In the record was entered the condition of the machine and the exact hour and minute the examination was made. Operatives were not permitted to change or adjust their machines.

Plant No. 10.— Automobile Horns: In this factory large stamping presses were in use and while they were not guarded in the ordinary sense, they were fitted with a dual release which necessitated the use of both hands, therefore the danger of injury was practically eliminated. All belts, shafting, gears and balance wheels were effectively guarded in the usual way.

Employees were prohibited to attempt any adjustment of their machines under pain of dismissal. We saw a demonstration of their system. A piece of work got jammed in a press, the operative in a perfectly matter-of-fact manner called an attendant mechanic who proceeded to straighten things out and soon had the machine in proper working order.

Plant No. 11.— Motor Engines: The only thing of note in this establishment which differed from other engineering works visited was an improvement on a guard for the steel rod feed into turret lathes. The rod was fed through a stationary iron tube as previously described, the improvement was in the fact that the tube was made of two halves hinged together so that the operative as occasion might demand could examine the steel rod without removing the tube; he simply lifted the upper section and dropped it back into position.

Plant No. 12.— Metal Stamping: The stamping presses in this factory were not very effectively guarded. The operations were, however, of such a nature that guards were not very necessary. Many of the presses being used to stamp metal that came in large sheets which required both hands to handle. We saw one press that had been changed from a front to a side feed and the die was completely enveloped in a metal guard under which the metal was fed, the operative watching the work through a slot cut in the front of the guard.

Plant No. 13.— Boiler Works: This plant was well ordered and kept in excellent condition. Machinery was heavy as might be expected in a place turning out very large boilers. Each machine was well fenced, substantial iron railings having been erected around all dangerous parts. These railings were either portable or so arranged as to make access to the machinery quite easy. Permanent or unchangeable gears or cog-wheels were generally provided with immovable covering bolted to the framework of the machines. All belts, pulleys, etc., were well fenced and the power generating plant adequately protected. We were told that accidents in this plant were very infrequent.

SAW MILLS.

Plant No. 1. This was a large establishment with a most complicated system of power transmission by means of counter shafts and cross belting. The significant thing about the plant from the standpoint of safety was the manner by which the various points that had to be attended among the network of belts placed above the floors, were reached. Stairs, runways and platforms had been erected and these were fitted with substantial handrails so that oilers and others who had to use them were in comparative safety in spite of the rapid moving and bewildering belts and pulleys.

The work done here consisted mainly of log sawing, resawing and planing, with a small amount of general woodworking.

Here as elsewhere in the British Isles the most common form of guard on circular saws was the riving knife or splitter. This prevents what is known as "pinching," which

frequently causes accidents, and also prevents contact with the back of the saw, but it cannot guard against contact with the top nor the cutting points of the saw. In this State we rely more on guarding the last mentioned parts for it is our experience that more injuries are sustained at such points and there are on our market several very good devices which afford protection against such accidents.

Plant No. 2.—Belts, shafting and gearing throughout well protected. All belts coming up through floors vertically were completely boxed to the height of a man's head — when traveling horizontally a substantial tray of wood with side pieces was erected under the belt to prevent persons from contact therewith. All machines were boxed from the bed or table to the floor. This seems to be almost the universal practice of woodworking establishments in that country. The jointers in use were not very well guarded, the old fashioned square stock being in use. The round or cylindrical stock is by far the best known device for minimizing the extent of the damage done to the operative's hand should he be unfortunate enough to come in contact with the knives. Were it not for the fact that the "circular safety cylinder" is a patented device I would recommend that its use be made compulsory.

SHIPBUILDING.

We were privileged to make observations at one plant engaged in shipbuilding on a very large scale. Such an establishment with its great variety of work was well worth a closer study than we could give it. The shop force numbered about 8,500 men, consisting of brass and iron molders, machinists, carpenters, shipbuilders, painters, staging constructors, ironworkers, riggers, besides a large number of laborers.

Our examination began with a thorough observation of the staging around a vessel in course of construction. All staging is erected by a special gang or corps of workers and the work was exceedingly well done. Although these are but temporary structures, the question of stability, and the safety of those who work upon them, is given primary consideration, the material used being of the most substantial kind, well bolted together. Runways rather than stairs were the means adopted to reach from tier to tier. These were built on an easy gradient and of ample width to allow persons to pass each other without danger or difficulty, and in order to insure safe footing a strong cleat had been securely fastened across the floor of each runway, these cleats were from 15 inches to 18 inches apart. On each side of these runways was a very heavy handrail. I was impressed by the utter absence of makeshifts in regard to safety. The tier or staging floors upon which the men were working were thoroughly planked, and every opening was well protected to prevent the men from falling through.

The forging department was thoroughly fitted with all needed machine guards. The method of covering gears and of fencing dangerous parts, is so similar to that of other establishments described that it is unnecessary to repeat the description.

The woodworking department was in a very fair condition but not up to the standard of some other plants visited. I did not feel that this company, so far as this particular branch of its works was concerned, had progressed any further than the average plant in our State. We should bear in mind that planer guards, circular saw guards and shaper or variety machine guards, are somewhat uncertain as to practicability under varying conditions of work, and that the real value of each such device must depend upon its adaptability as a means to prevent accidents under all circumstances.

In the machine shop, or engineering department as the British call it, and in the erecting shop, protection against accidents had received most thorough attention. Where it seemed practicable there had been erected a permanent fence around danger points, so that operatives could not accidentally come in contact therewith. Where a fence could not be placed, gears, set-screws, pulleys, belts, shafting and other dangerous parts of machinery were effectively covered or boxed. I noticed that the practice respecting gears was to consider them dangerous regardless of their location; many were covered which seemed to be far out of reach, above the heads of workmen. This was particularly so on drill presses, all the upper gears being fully covered. The power plant from the standpoint of safety, was almost ideal, but the problem of ventilation had not been seriously considered.

MISCELLANEOUS.

Plant No. 1.—General Printing and Paper Boxes: This was a very finely equipped plant. It was evident that expense in the matter of safeguarding employees had not been considered. Where it seemed probable that an employee might sustain injury, steps had been taken to prevent such an occurrence. All belting at points of possible contact had been securely boxed or cased. On all printing presses the gears were thoroughly covered

and balance wheels properly fenced. Many presses were fitted with a wheel by means of which the pressman manipulates the press while adjusting it and making ready for the work. In this establishment all such wheels were tight-plated between hub and rim, thereby eliminating the danger of a person putting his arm between the spokes of the wheel while in motion. We noted a few machines the gears of which had been partly covered by the makers. This form of gear covering is not at all satisfactory, for while it protects persons from the danger of being crushed between the teeth of the revolving wheels, it leaves unguarded the point where the cover stops and the inturning gear passes under it. Any part of the body accidentally pressing against the exposed teeth of such a gear would be jammed against the end of the cover, and the result would be a painful bruise or worse.

Every machine in this place was fitted with proper belt shifters.

Platen printing and embossing presses have caused many serious and painful injuries, the operative generally getting a hand caught between the bed and the plate. We were therefore much interested in a device that was attached to every such machine in this establishment which seemed to afford effective protection against accidents sustained as above indicated. The guard consisted of a steel rod or arm attached beneath the bed of the machine. This arm moved outward by mechanical action when the press was in operation so that as the bed rose to engage the form, the guard came in contact with the wrist or arm of the operative in time to enable him to remove his hands from the point of danger.

In the box-making department every precaution known to the proprietors was taken to prevent accidents and employees were compelled to use safety devices. It was evident however that they had not solved the problem of guarding their corner-staying machines. They were anxious to be advised.

We were much surprised to note the absence of hand rails on stairways except such as were open on one or both sides, in which cases, massive wooden rails had been erected.

Plant No. 2.—Hemp and Wire Rope: In this establishment very heavy machinery is used in making wire and hemp rope, all of which was well guarded. Gears were covered and substantial fences erected around dangerous parts which could not be protected or covered in detail. In the hemp department the machinery for preparing and spinning the fibre was equally well equipped with safeguards, the practice being to completely cover isolated pairs of gears, while gangs or trains of gears were covered by means of openwork doors or gates so as to permit easy access and the same time afford ample protection. Belt shifters were in general use and belts, pulleys and shafting properly protected where necessary. In order to insure greater safety, where it was necessary to manipulate certain machines by means of manual or physical force, platforms had been erected and railings adjusted to meet certain conditions, showing proper concern for human life and safety.

Plant No. 3.—Paper Mill (Book Paper): This was not a modern mill, nevertheless it was quite up-to-date in the matter of precautions against accidents. The general plan was to rely upon substantial fences erected around dangerous parts or points rather than upon individual coverings. On the paper machines a guard roll had been placed in front of the intake; this roll ran on loose bearings so that if the operative's hand should be laid on the calender roll it would come in contact with the loose guard roll before any harm could happen. Warned of danger the hand would be withdrawn.

All runways were well protected by hand rails and passages through lower floors were lighted so as to enable operatives to avoid accidents from mis-steps, etc.

In the woodworking department the jointer was fitted with the "circular safety cylinder" and serious accidents no longer happened on that machine. Other machines were guarded in the ordinary way.

Plant No. 4.—Printing and Paper Box Making: This was a modern plant fitted with the most approved methods for preventing accidents to operatives of machinery. We did not see an exposed gear nor an open-spoke balance or manipulating wheel on a printing press. All belts were boxed, set-screws countersunk and exposed fly wheel keys eliminated. Platen presses and embossing machines were all equipped with the style of guard previously described, which served to push or lift the operative's hand out of danger. The only unguarded machine in the place was the guillotine paper cutter. But these machines were operated by men who seemed to realize the danger of carelessly handling the work.

In the paper-box making department there were a number of stock cutting machines fitted with effective guards which prevented the operative from accidental contact with the cutting edge of the machines. This consisted of a stationary bar so adjusted that the work passed under it while the hand could not possibly do so, therefore injury could not be sustained except through manipulation of the machine or gross inattention to the work.

A good guard had been installed on corner staying machines but some were not in good working order because of poor adjustment or defective fitting.

Operatives were prohibited from making ineffective any safety device and also from attempting to adjust or remedy a fault in their machines. In all such cases they were required to call for the services of the machinist in charge of the room.

Plant No. 5.—Brass Foundry: A small establishment engaged in manufacturing small brass ware. Machinery throughout well guarded. Stamping presses fitted with stationary and rigid guards, so that operative could not get at the punch, and the back of the press so enclosed with sheet metal that no persons could accidentally or otherwise come in contact with the dangerous parts of the machine. On some of the milling machines there were no guards but each machine was fitted with a blow pipe, the outlet of which was wide enough to cover the full width of the cutter. This was used to blow the brass cuttings into a receptacle below and served as a fairly effective guard over the cutter. A few milling machines were fitted with a stationary guard. This was practicable for the machines were used on stock work where changes were very infrequent.

Plant No. 6.—Metal Stamping: This was a beautiful little plant, and everything was in excellent condition. The work was small and light and the machinery was well adapted to its production. There was no variation in the work, therefore the matter of providing proper and efficient guards was somewhat simplified. The stamping presses were guarded on front, sides and back so that an accident by being caught between the die and the punch would seem to be impossible. All females employed were supplied with caps of light material so as to prevent their hair from being caught in belts or revolving parts of machinery. All vertical belts, and vertical revolving shafts or spindles were securely boxed to a height above the operative's head; this made contact therewith very improbable.

Signs were posted at different points in the plant for the direction and caution of employees in regard to the use of safeguards. Disobedience meant instant dismissal.

Plant No. 7.—Newspaper Printing: A fairly modern plant equipped with machinery fitted with approved safeguards, the system of gear covering being similar to that generally seen in establishments of this kind. Belting, pulleys, shafting and balance wheels were amply fenced to insure safety so long as the employees exercised ordinary prudence. The air in the composing room was very good, showing that the problem of ventilation had received careful attention. The products of combustion arising from the melting pot of linotype machines were removed by means of a splendid system of exhaust.

I am constrained to refer also to a device in use in this plant for the cleaning of type and type-trays. The dust-laden type-tray filled with type when about to be cleaned in the old way, was subject to a few blasts from an old-fashioned hand bellows. This method no doubt was fairly effective, but it caused a large quantity of dust to scatter through the atmosphere of the composing room and resulted in great discomfort and probably in much illness due to irritation of the membranes of the respiratory organs of employees. The new way is better in every respect. The tray is taken and inserted in a chamber in a box-like apparatus, which is air tight, and then the tray is mechanically agitated while the dust is extracted by means of a vacuum exhaust attached to the chamber and electrically driven. The result is a cleaner tray and the complete removal of dust without causing any discomfort or sickness to the men.

In this establishment every stairway was equipped with hand rails.

CONCLUSION.

Many other establishments were visited but I have refrained from further description because conditions generally did not differ from what I have written concerning those covered in the foregoing pages.

British laws contain a mass of details the duplication of which, in our State, would be of doubtful wisdom. It is important however, that our laws be amended and strengthened as the need of such a course is demonstrated, and that authority be given to the Department of Labor to prescribe rules where necessary for the greater safety of factory employees.

I invite special attention to the fact that our law is silent with respect to conditions which arise from the introduction of electrical energy into manufacturing establishments. Regulations regarding the dangers incident to this form of motive power should be prescribed.

I would also urge the advisability of providing on the staff of the Bureau of Factory Inspection a number of men specially qualified to deal with the problems of safety which arise in connection with the administration of our factory law.

Respectfully submitted,

(Signed) JOHN WILLIAMS,

Commissioner of Labor.

APPENDIX II.

REPORT TO THE COMMISSION ON EMPLOYERS' LIABILITY AND CAUSES
OF INDUSTRIAL ACCIDENTS, UNEMPLOYED AND LACK OF FARM
LABOR.

BY

GEORGE GILMOUR, M. E.

*Consulting Engineer to the Commission Mem. Am. Soc. M.E., Am. Ry. M.M. Ass'n., Int'l
Boiler Makers' Ass'n.*

In accordance with your instructions to investigate and report upon the methods in force, either as prescribed by law, or by department regulations, in the leading foreign countries to lessen the number of industrial accidents and promote safer conditions of labor for employees, and to compare conditions in this line abroad and in other States of the Union with those obtaining in the State of New York, I beg to report:

That I have made investigations in Great Britain and Germany, in which countries most of my time was spent. France and Holland were visited particularly with a view of seeing the museums of safety.

GREAT BRITAIN.

Through the courtesy of the Home Office and the Chief Inspector of Factories to the Hon. John Williams, Commissioner of Labor, State of New York, and the writer, introductions were obtained to the Government Inspectors in charge of the leading industrial centers throughout the country. The Cities of Glasgow, Paisley, Greenock, Edinburgh, New Castle, Leeds, Sheffield, Manchester, Birmingham and London were visited, as well as their suburbs. Sixty representative plants and factories were visited and carefully inspected for the purpose of noting whether safeguards prescribed by law, were really in position, fencing dangerous machinery and protecting workers, or whether the installation of safety devices was left to the inclinations of each manufacturer. The use of safety devices was general and everywhere the co-operation between employer and factory inspector was noted. The plants visited covered textile works (cotton, woolen and silk), boiler making, machine shops, sawmills and other woodworking establishments, rolling mills, blast furnaces, cement making, paper making, hemp and wire rope making, tin boxes and metal stamping, printing, steel works and gun making (heavy ordnance), spring and file making, dyeing and finishing, cotton spinning and weaving, paper boxes, aerated waters, machinery for manufacture of cottons, woolens and worsteds, freight and passenger car building, automobiles, machine tools, steam engines and dynamos, brass foundries, lamp making, saccharine, provision packing by machinery, gasoline engines, cardboard boxes and corrugated cardboard and shipbuilding.

Questions to insurance officials, employers, employees and labor officials, with answers, will be found on another page.

In order to make this report complete, the writer has probably gone beyond the scope of inquiry outlined by the Commission, it is hoped, however, that all of the matter will prove of use in the work the Commission has undertaken. Prevention of accident has been taken up and prosecuted seriously and earnestly by the Factories and Workshops' Department of Great Britain. The laws and specific regulations are strictly enforced.

I. SPECIFIC SAFETY PROVISIONS REQUIRED BY STATUTE OR ORDER.

a. *Factories*.— All factories and workshops in Great Britain come under the Factory and Workshop Act, 1901; laundries are included, whether they are in hotels or separate buildings. Building operations to a limited extent; docks and wharves also to a limited extent.

In addition to the General Act, there are special rules and regulations which go into minute detail enforceable under the Factory Act, applicable to all the trades so far recognized as dangerous either to life or limb or to health.

Among the more important are rules for earthenware and china manufacture, white, red and yellow lead, brass casting, use of locomotives in and about factories, preparing and hackling flax, hemp and jute, use of electricity in factories for power and lighting, bottling of aerated waters, manufacture of chemicals, bichromate of potash, etc., etc.

b. *Buildings*.— No special regulations at present. A full inquiry was held on this subject, going into all details and regulations proposed, but not as yet framed or put in force. In any case they would be of little use as a basis of comparison, the operations being entirely different to those obtaining in the United States. It should be noted that the protection to passers-by and covering over sidewalk is always insisted on. Material and debris are not allowed to accumulate or be piled upon sidewalk or street, the same as can be seen every day in New York City.

c-1. *Railways*.— Under Board of Trade. Special act controlling the working of same enforced by inspectors.

c-2. *Railways*.— In factories are under the Factory Act, and special regulations exist.

d-1. *Tunnels*.— No regulations as to construction at present. Special rules covering this item now being considered. In case of accident, of course, the contractors or engineers would be held responsible.

d-2. *Quarries*.— Under special act. Quarries Act enforced by Inspector of Mines.

d-3. *Ore and coal mines*.— Under Home Office, Mines Act enforced by special mine inspectors, organized on much the same lines as factory inspectors.

e. *Electrical companies*.— Under Board of Trade, so far as the safety of the public is concerned. Inside of factories and generating stations under Factory Department and special regulations in force.

f. *Stevedoring*.— Under Factory Act. Regulations in force and administered by factory inspectors.

g. *Elevators*.— No restrictions except when inside factories, workshops or buildings under construction, and then a general clause — must be securely fenced — no stipulation as to automatic doors, or strength of cables, safety clutches, etc. Automatic gates are insisted on in mine shafts. Many devices exist for protection, but so far, not compulsory. We have nothing to learn from Europe regarding elevators.

h. *Other undertakings*.— Under this caption would come general engineering, construction of bridges, docks, sewers, etc. No special regulations so far. A committee is now sitting, on dangers of *deep* excavations, and a bill may be brought forward in the near future affecting all general engineering work as described.

II. METHODS OF ENFORCEMENT.

a. *Organization of department, or departments, of government charged with enforcement of these statutes, and with general business of accident prevention*.—For factories and workshops as follows:

A chief inspector with supreme control is stationed at London; he is assisted by two deputy chief inspectors who generally deal with routine matters, questions affecting the staff, their location, duties, the provision of officers in the various centers, clerks, etc., and the expenditure in connection with such matters.

The United Kingdom is mapped out into five great divisions, each division being controlled by a superintending inspector, stationed in the chief town of the division. These divisions again are divided into districts, arranged, as far as possible, so that each inspector will be able with his staff to visit all the factories and workshops in his area at least once a year. In addition to this visit, additional inspections are made as soon as possible after report has been made of accident at any plant; the accident often disclosing the necessity of further safeguards in places and on machinery previously considered as being amply guarded.

The districts naturally vary in importance and size, but, as far as possible, the younger and less experienced men control the smaller and less important districts; the older officials being given charge of the larger and more important ones. Each district inspector has a staff assigned to him in proportion to the work in his area — (1) inspectors for all prem-

ises in which machinery is used, and (2) inspectors' assistants who visit all workshops in which there is no power. Offices are provided in each district, and clerks, who deal with routine matters and the vast amount of accident reports, together with returns and correspondence which the work creates. I am advised that this work increases from year to year.

The staff is recruited in the most careful manner possible, the men joining, as a rule, between the ages of twenty-five and thirty. The examination is framed so as to permit men to enter the service who have been trained as civil or mechanical engineers, chemists or, indeed, anyone who has had a good scientific education, or has specially studied economics and labor questions. Selected candidates are given nominations by the Home Secretary, and these compete for vacancies as they occur.

The number of inspectors and assistants for Great Britain, with a total of 263,749 registered workshops and factories in 1909, was 202. Of this number, two are medical inspectors, one electrical inspector, one inspector of textile particulars and one dangerous trades inspector. These men are special experts. There are eighteen "lady inspectors," with special duties. In addition to this number there are the Board of Trade inspectors who have to do with railways, the mines inspectors and inspectors of quarries.

Salaries: (Note.—£1.0.0 is taken as being equal to \$5.00.)

Chief inspector.....	\$7,500 00
First deputy.....	4,750 00
Second deputy.....	4,250 00
Medical inspector.....	4,000 00
Electrical inspector.....	3,500 00
Dangerous trades inspector.....	3,500 00
Superintendent inspectors.....	3,750 00 max.
District inspectors.....	\$2,250 00 to 3,000 00 max.
Junior inspectors.....	1,000 00 to 1,500 00
Assistant inspectors.....	550 00 to 1,000 00
Lady inspectors:	
Principal inspector.....	2,000 00 to 2,500 00
Senior inspectors.....	1,500 00 to 2,000 00
Inspector.....	1,000 00 to 1,500 00

All of the above come under civil service regulation, and have positions for life. They are promoted from one grade to another as vacancies occur, and one and all look forward to a pension, the maximum of which is two-thirds the amount of salary.

Assistant inspectors are mechanics in various lines of work who have had no technical training and seldom rise above the maximum salary recorded in above table. They do, however, receive the benefit of a pension at retirement.

When travelling by rail, the inspectors are required to go first-class; they are allowed expenses for meals and, if necessary, carriage or cab hire. When away from headquarters, an allowance of 25 shillings, \$6.25, is made for dinner and bed.

I was very much impressed with the efficiency of the British factory inspectors, their manner of approaching the occupier or employer, and the co-operation on the part of the employer or occupier. One could not help but feel that this was largely due to the type and education of the man selected as inspector. The position is one that is looked upon with respect all over Great Britain, and the class of candidates applying for same is exceptional, from both educational and social viewpoints. In connection with the department there are 2,233 medical practitioners, known as certifying surgeons, who are appointed in suitable localities according to the number of workers. It is their duty to examine for fitness of employment, and for trade poisoning, also to investigate and report on accidents.

b. *Frequency and methods of inspection are partially covered under details of organization.* (See a.) — Once a week each inspector makes up a report of the work he has accomplished, places visited, result and action taken. Reports are examined by the divisional inspector and the work generally supervised by him. The reports remain in his custody, but special reports or returns, when asked for, are sent to the head office in London. Generally speaking, a recognized standard is insisted on; and although each inspector is allowed a certain latitude for the exercise of his own judgment, yet he is understood to be acting under the orders of his superior.

The system, on the whole, works well, but centralization can be overdone. In other words, the best work is often accomplished by allowing competent and experienced men a certain freedom of action, provided uniformity of administration is always kept in view.

In many towns and cities there are local departments of inspection, but only the sanitary matters of workshops are administered by municipal officials, and the government inspectors have an overriding authority if the former fail to take action.

c. *Powers of this department, or departments.*— Inspectors have power to enter factories, workshops and schools to examine persons, premises, machinery, registers, notices, etc., for the purpose of satisfying themselves that the requirements of the law are fully complied with.

Inspectors have power to prosecute firms who systematically or seriously break the law, and fines can be inflicted under the Factory Act up to £100.0.0 (\$500.00).

d. *Penalties actually imposed for violation of law or order.*— The cases of prosecution for violation of the law in 1909 were 3,723.

PROSECUTIONS 1908-1909.

Items.	1908.	1909
<i>Cases:</i>	3,411	3,723
Forms	374	414
Sanitation	99	115
Safety	317	251
Employment	2,516	2,832
Particulars	34	61
Obstruction	25	28
Truck	76	22
<i>Result:</i>		
Convictions	3,254	3,542
Withdrawn on payment of costs	64	50
Dismissed	123	131
<i>Penalties:</i>		
Total	£3,044	£2,703
Average	18s. 9d.	15s. 3d.

The above figures do not include prosecutions of railways or mine, and quarries' cases, which are dealt with by other departments. Some of the fines imposed were very low. I heard of two that were only one penny each (two cents).

III. REPORTING OF ACCIDENTS.

a. *Accidents required to be reported.*— 1. When there occurs in a factory or workshop an accident causing loss of life to a person employed therein, or an accident due to machinery moved by mechanical power, molten metal, hot liquid, explosion, escape of gas or steam, or electricity, and so disabling any person employed therein as to cause him to be absent throughout at least one whole day from his ordinary work, the employer or occupier must forthwith send notice of same to the inspector of the district, and also to the certifying surgeon of the district.

2. When there occurs in a factory or workshop an accident from any other cause, disabling for more than seven days, a person employed therein, from working at his ordinary work, or a dangerous occurrence such as the bursting of a revolving vessel, wheel, emery wheel or grindstone, moved by mechanical power, breaking of a rope, chain or other appliance used for raising or lowering persons or goods by aid of mechanical power; or a fire in any room in which persons are employed, causing complete suspension of the work therein for not less than twenty-four hours, whether causing personal injury or disablement or not, the employer or occupier must immediately send notice to the inspector of the district.

3. If an accident, notified as above, as causing disablement, results in the death of the person disabled, the employer or occupier must send to the inspector of the district notice of the death as soon as it comes to his knowledge.

4. If the occupier is not the actual employer of the person killed or injured by an accident as above, the actual employer must immediately report the accident to the occupier.

5. The foregoing requirements apply equally to accidents and dangerous occurrences of the same classes in warehouses, docks, wharves, quays; also in loading and unloading or coaling a ship in or at a dock, wharf, quay, harbor or canal. Buildings under construction, etc., with use of machinery moved by mechanical power; buildings over thirty feet in height under construction or repair by means of scaffolding. Buildings over thirty feet in height in which more than twenty persons (other than domestic servants) are

employed for wages. Private railway lines or sidings used in connection with a factory, workshop or other premises named above.

6. Accidents on dock, railway, light railway or tramway premises: The following particulars must be stated in the accidental notice: The place at which the accident occurs; how far the accident occurred in connection with:

- (a) A line of rails, or movement of locomotive, or vehicles thereon.
- (b) Appurtenances of a line of rails, i. e., points, or signals and levers, rods, chains, wires, or electrical conductors connected therewith.
- (c) The employer of injured person.

7. Many accidents are notifiable both to factory inspector and Board of Trade. By arrangements between the two departments, such accidents need not be separately notified to the Board of Trade, the inspector of factories looking after this detail. This arrangement, however, does not affect the obligation to send notice to the certifying surgeon.

8. Boiler accidents must also be reported to the Board of Trade, whether causing personal injury or not.

9. An explosion of explosives or a fire in a factory where explosives are made must also be reported to the Chief Inspector of Explosives, Home Office, whether causing personal injury or not.

(a) A full account of accident is always insisted on, and immediate inquiry is made as to causes, etc., by the factory inspectors, sometimes in conjunction with Board of Trade and the responsibility placed. No time is lost in prosecuting the offender, regardless of position.

All accidents must be entered in a register which the employer has to have on hand whenever the factory inspector comes around. Boiler inspections also must be entered in this register.

(b) *Items required in each report. Notice of accident or dangerous occurrences.*— To be sent to the District Inspector of Factories and (as regards certain accidents) to the certifying surgeon also.

Works:

- 1. Name of occupier.
- 2. Address of works.
- 3. Nature of industry.
- 4. Whether factory, workshop, dock, etc.

Accident or dangerous occurrence:

- 5. Date and hour.
- 6. How caused, by what part of machinery (and whether moved by mechanical power at the time) or in what other way.
- 7. Name (surname first) and address, state also present address, i. e., hospital if not at home.

Injured person:

- 8. Sex and age last birthday. If between 13 and 14, state whether employed as child or young person.
- 9. Hour at which he began work on day of accident.
- 10. Usual employment.
- 11. Precise occupation at time of accident.

Injuries:

- 12. Fatal, severe or slight.
- 13. Describe briefly their nature and extent. (Loss of finger, fracture of leg or scald.)

Absence from or during work in case of non-fatal accident:

- 14. Dates of total disablement for employment on ordinary work.
In the notice to the inspector —
- 15. Whether the accident is notifiable to the certifying surgeon.
- 16. Whether notice has been sent to him.
- 17. Whether the accident has been entered in the general register.

(Signature of occupier, manager or agent.)

Date;

IV. ACTUAL RESULTS.

Accident features.— Statistics published in Board of Trade Labor Gazette every month, also in annual reports from different departments, may be taken as quite reliable. It is difficult, however, to take them as a basis of comparison with other countries, as no two countries follow exactly the same system of tabulating accidents.

It has been noted that, notwithstanding all the safeguards which have been and are constantly being installed, that the number of accidents reported are constantly increasing. This is accounted for as follows: Under the compensation law, accidents which formerly would have gone unnoticed are now reported. It is said that the number of serious accidents are decreasing, but that many additional accidents are caused by the increased and increasing use of machinery, by the acceleration of machinery and by the increasing prevalence of piece work. The general thought seems to be that more care is taken by the employers, as well as employees, in reporting accidents.

The following table, made up by District Inspector H. J. Wilson, of Glasgow, seems to show that the percentage of accidents to workers during a period of years remains about the same.

The figures were obtained from representative firms who have kept accurate records. The writer is familiar with the firms, but is not at liberty to quote their names.

Firm "A"— Shipyard Department.

Year to 30th June.	Average No. of workmen.	Number of accidents	Per cent.
1902-03.....	4,100	1,221	29.8
1903-04.....	3,512	978	27.8
1904-05.....	3,405	966	28.4
1905-06.....	3,880	677	17.4
1906-07.....	3,118	988	31.7
1907-08.....	3,845	765	19.9
1908-09.....	2,582	800	31.0

Engine Department.

1902-03.....	1,713	228	13.3
1903-04.....	1,830	265	14.5
1904-05.....	1,718	294	17.1
1905-06.....	1,605	282	17.5
1906-07.....	1,402	229	16.3
1907-08.....	1,991	261	13.1
1908-09.....	1,318	181	13.7

Firm "B"— Steel Smelting and Rolling.

1904.....	1,179	124	9.9
1905.....	1,297	129	10.5
1906.....	1,343	179	12.5
1907.....	1,385	172	12.4
1908.....	1,194	165	14.5
1909*.....	1,160	117	10.0

Firm "C"— Blast Furnace, Metal Founding and Engineering.

1897.....	1,935	27	1.32
1898.....	1,900	54	2.68
1899.....	2,197	77	3.33
1900.....	2,048	121	5.60
1901.....	2,102	103	4.65
1902.....	2,330	75	3.21
1903.....	2,126	56	2.63
1904.....	1,988	63	3.16
1905.....	2,152	60	2.78
1906.....	2,399	86	3.58
1907.....	2,286	107	5.51
1908.....	2,152	126	7.29
1909*.....	2,324	90	4.73

*For nine months. (?)

Firm "D"—Machine Making.

1905.....	9,250	190	2.0
1906.....	10,200	201	1.9
1907.....	11,750	226	1.9
1908.....	10,800	153	1.4
1909*.....	11,000	83	.75

V. GENERAL.

Accidents due to falling.—No special regulations so far. It is the thought of several of the Government inspectors, as well as independent engineers, that such are urgently required, particularly railings and safeties for overhead cranes and approaches thereto; also for building, construction, scaffolding and ship construction (staging inside and outside hull).

Accidents due to conveying and hoisting machinery and railroads in big mills of all kinds—signals.—"Cut-offs," inspection and annealing of chains, stopping cranes for repairs, automatic couplers and other devices on narrow gauge railroads—passages under and over rails in mill yards, etc.—

No special regulations except those contained in regulations as to use of locomotives in factories. Annealing of chains compulsory only in stevedoring.

I talked with many engineers, as well as with Government and other inspectors on this point, and there were few conflicting opinions. The general opinion is that this should be compulsory in engineering, iron and steel manufacture, or wherever much lifting is done.

Passages under rails or bridges not compulsory, was proposed, but opposition of manufacturers was too strong.

Automatic couplers not compulsory, although it was admitted that they were desirable for many classes of work.

Accidents due to lack of perfect disconnecting system.—No special enactment for factories or workshops, and no regulations whatever as to prompt stoppage of machinery, but it has frequently been suggested. Its utility or efficiency is limited to a certain class of accidents only.

Discarding of guards.—Occasionally workmen are prosecuted and fined for neglecting to wear or use protective devices, etc., required by special rules. This, however, is not very often done. Although recent records show that employers on several occasions have had to pay compensation to workers who were injured through wilful neglect and refused to use the safety devices. It seems that the best remedy is to discharge the men so inclined, but there is always the risk of causing dissatisfaction among the other employees.

The question, at best, is a difficult one; as a rule, the objections of workers to guards are confined to those which interfere with his output or cause him any trouble in adjusting, otherwise, fencing meets with their general approval. There is always the difficulty of the careless worker leaving off a guard or neglecting to close a dangerous opening, thus jeopardizing his fellow workers.

The installation of safety devices or guards on dangerous machinery prevents accidents.—Undoubtedly guards have reduced accidents, but it is impossible to prove this by figures. The most successful form of guards are those which are fixed, attached to the machine, and covering parts which are not usually altered or changed. The most unsatisfactory are those which are intended to protect cutting tools, such as circular saws, planer knives, spindle moulders (woodworking), etc., etc., where the worker has to adjust the guard from time to time, to suit the job in hand. In the United Kingdom, the inspectors insist on a riving knife behind circular or buzz saws and guards for planer knives. I noticed that a recent invention, the solid or circular cutter block for planer knives, was much in use. It is used here to some extent. This block renders accidents on planing machines much less serious than formerly, barely cutting the tips of fingers, in place of cutting off entirely, as with square cutter head.

Rest periods, short hours of labor, etc.—The above not yet insisted on, but public opinion is moving in this direction for certain dangerous trades.

Relation between government inspectors and labor unions.—So far as could be gathered from members of the factory department and of labor unions to whom I spoke, the relations were of a very friendly nature.

Confidentially, an official informed me the communications from these bodies were usually complaints as to alleged breaches of law, and that, at times, efforts were made to harass employers through the department for some real or imaginary grievance.

Standardizing of guards.—Guarding, or as the British term it, fencing, has perhaps been carried to its highest efficiency on recent tensile machines, particularly in the cotton trade.

* For nine months.

Generally speaking, however, all toothed gearing in connection with any kind of machine, should be *well covered with metal guards*.

Where women and children are employed, more stringent covering is advisable. This rule should be absolute, but it is not so applicable to the protection of cutting tools.

All shafting or belting, seven feet or less from the floor, should be guarded. Belting should be guarded to a certain height. Fencing around fly wheels and engines could easily be standardized. Projecting set screws, bolt heads on couplings, etc. etc.

Experts in various lines as inspectors.— Beyond two medical inspectors, an electrical inspector, an inspector of textile particulars and a dangerous trades inspector, special experts are not insisted on among the British inspectorate. There are, however, on the force, as already stated, many civil and mechanical engineers and chemists, all technically educated; a man without a degree or possessing special knowledge could not to-day expect a position as inspector.

It is the general opinion, however, that an "all-round-man," possessing a varied experience, is more useful than an expert in one line and less expensive, inasmuch as the latter must tour the whole country to be of any use, and each main industry would require its own special expert. His advice would be useful, of course, for the benefit of the local inspector, but the latter must be primarily responsible for all trades in his district.

Patented safety devices.— As a rule, the British factory inspectors do not press for patented safety devices. They mention several which might fulfill the requirements, allowing the occupiers or employers absolute choice as to what guard is adopted. They prefer (and the writer agrees with them) a homemade protection, which if used regularly by workers, is more satisfactory than a more elaborate one only occasionally utilized.

Museum of safety.— None at present in Britain. The value of such an institution is recognized, however, and a museum is to be commenced in London at an early date, if not already in hand.

A collection of safety devices and models belonging to the Factory and Workshop Department was sent to the Brussels Exposition this year and destroyed by fire. It will be impossible to replace many of the photographs and earlier models.

In all establishments of this nature, there is danger that useless and impracticable devices may be admitted. There should be, therefore, in addition to the Director of the Museum, a Committee of Engineers who would test rigorously all devices before admitting to Museum, or mentioning them to manufacturers.

This could easily be done and would save much time and money. Many patented so-called safety devices have proved to be *absolutely valueless*.

Handbooks of safety devices.— Very little use has been made of the above, but there is scope in this direction. A very good book on the subject was written by Mr. J. Calder, formerly a Government Factory Inspector. It is, however, getting out of date, one of the difficulties of safety devices being the constant changing of machinery and general working conditions.

Educating factory inspectors.— Illustrations of new devices are sent to inspectors, but as they have not been through any severe or varied tests, the inspectors are skeptical until time proves their efficiency. There is a weakness here. A Museum of Safety would have seen to this. New men are educated along special lines by being detailed to work along with older inspectors, expert in various lines.

Emery wheels.— There is a standard of size, speed or frequency of use, requiring the guarding of emery and other polishing and grinding wheels. Only certain wheels can be properly protected. When work is done at sides or over top of wheel, a guard is impracticable; in such cases wheels, with concave plates on each side, should be used. Safe speed should be marked by makers on stone.

Circular saws.— The type of guard most successful on circular (or buzz) saws, is a good riving knife behind and close up to saw, extending as high up as possible. Their use is insisted on; there are many types of saw guards but the majority have to be adjusted according to material worked on. As a rule, the worker neglects to adjust. It should not be difficult to prove to the worker the necessity where possible of using a guard even if occasional adjusting were necessary.

Crowded machinery.— This is recognized as a danger and is always objectionable, particularly if in a badly lighted shop.

Stamping machines—presses.— Many of these machines are successfully guarded in tin stamping, brick presses and platens of printing machines. There are, however, some operations where guards or protection are impracticable without interfering with work. On such machines it may be so arranged as to make it impossible to have finger under stamp when coming down. Many manufacturers, as well as operators, have contended that guards have reduced the output of stamping machines. Investigation proved that there is some

reduction at first, but that after the operator has realized that he is safe, the output has been increased, his mind being taken off the danger point, giving all his attention to the work.

Guarding or boxing of belting.— Wherever likely to cause injury, there is no trouble among the British factory inspectors to have belting boxed or guarded.

Shafting — extent of guarding.— In shafting, six or seven feet from the ground or from a platform, fencing is not insisted on. Projecting set screws and coupling bolts are a constant menace, and many fatal accidents have been caused from time to time.

Steam laundries.— All laundries come under the law, whether in hotels, clubs or independent buildings, and this regulation is proper.

Compensation — its effect on workers.— There is a difference of opinion on this point. Some claim that the employer is more anxious to install safety appliances than formerly. Others state that compensation has not affected the proportion of accidents beyond encouraging workers, with light injuries, to lay off and make the most of the injury.

(This item is further discussed on pages 29 to 41.)

Lighting.— Is certainly an important feature, especially where oilers have to approach gearing, etc., in out of the way places.

Ventilation.— An important feature. There are special rules for insuring a proper supply of pure air. Inspectors frequently test for impurities.

Fire escapes.— Regulations satisfactory where more than forty persons are employed, and are strictly enforced. For smaller shops, legislation not as satisfactory.

Discarding old machinery and guarding or fencing new.— An inspector cannot compel abandonment of old machinery because something new has come into the market. He must prove it dangerous. In a general way he can recommend safer machinery. It has been recommended, and I think will be made law, that makers of machinery shall be made responsible for proper and secure guards before sending machines out.

When ordering machinery to-day, the buyer specifies that it must be guarded to the satisfaction of the factory inspector. This is a good method and ensures a properly guarded machine with permanent guards attached.

First aid.— The importance of this item is now recognized all over Great Britain; all of the larger plants visited being equipped with sick rooms and ambulance arrangements. Specially trained men were in charge of these rooms, in some cases ex-soldiers, who had had experience in actual service. A regular surgeon, retained by some of the larger establishments, called every day to look after patients. In the smaller plants, with few exceptions, a properly equipped ambulance box, or medicine chest, was kept for emergencies. This box was under the care of an experienced employee.

Several employers informed me that, when an injury was slight, such as a cut or bruise, injured fingers, etc., they preferred to have the patient report at the works and spend the days there in place of remaining at home. Their reasons were that at home the patient will probably assist in housework, and frequently blood poisoning has resulted from a very slight cut, because of foreign substances getting into the wound. In other cases the injury was not sufficient to keep the patient in the house and the enforced lay-off was turned into a holiday-making period, frequently aggravating the injury. On the other hand, if, at the works, they were permitted to read or, if capable, perform light duty. They were also at hand when the surgeon came around for daily inspection and attention to injuries.

Workmen's compensation act.— In connection with the practical workings of the Compensation Act, as now interpreted and carried out, in Great Britain many complaints come from both employers and employees. The employees feel and state that the compensation is inadequate and are agitating toward amendment of the laws in some particulars, so that they may receive what, in their opinion, would be adequate payment in cases of injury.

The employers, on the other hand, declare that the burden is too heavy, and they have practically agreed that malingering on the part of the employees has grown to be a serious problem under the present Act. They further allege that workmen are receiving compensation, even where there has been contributory negligence.

The claims of the employers are to some extent borne out by insurance officials.

It is claimed further, on behalf of the workmen, that unless an employee is a member of a trade union, (who, it is stated, conducts the cases for their members) he has little chance of contesting a case with a wealthy corporation, owing to lack of funds, and he therefore, is practically compelled to accept the employer's terms. Middle-aged and old workers, or workers with any physical defect, are said to suffer under the operation of the law, inasmuch as employers are not inclined to engage them. Workmen who, through no fault of their own, have met with several slight accidents, for which they have received compensation, experience difficulty in finding employment.

It is also claimed that among some classes of trades, employers have a system by which confidential information is circulated concerning workmen who have been injured and to

whom compensation has been paid. It is further claimed that a workman who has sued an employer for compensation, will find it difficult to secure work.

The workers are seeking an increase in the rate of compensation and ask that the time in which compensation must be made be shortened.

The trades unions desire improvement of the existing laws as follows:

(a) An amendment will be sought stipulating that employers find light duties, which injured men are certified as fit for, or else pay full compensation until they are fit for former employment.

(b) That the limit of three years' compensation, in case of death, be raised to five years.

(c) That the Serious and Wilful Misconduct Clause in the Act of 1906 be abolished, so that compensation may be measured in all cases of accidents.

I present a summary of opinions, which are believed to be typical and to fairly indicate the position taken by the three interests which are immediately affected by the Workmen's Compensation Act — the employer, the employee and insurance companies.

Only a limited number of expressions of opinion are given, but, as already stated, they are typical, and to incorporate more of the replies would only bulk up this report with repetitions. I have selected answers from five (5) employers, five (5) employees and four (4) insurance officials. (A, B, C, D, E.)

1. IS THE OPERATION OF THE WORKING OF THE WORKMEN'S COMPENSATION ACT (1906) SATISFACTORY?

Employer A.— It is my opinion that the results are satisfactory to workmen, as the Act enables a larger number of persons than formerly to receive compensation for injuries; the Act has, however, increased in many cases two and threefold the cost of protection to employers.

Employer B.— Generally speaking, the Act appears to work satisfactorily now; at first there was considerable difficulty. In my opinion the Compensation Act has more than doubled the burdens in many lines, and the rates of insurance are still increasing. The same results are reported from other countries, such as France, where practically the same Act prevails.

Employer C.— Yes, fairly so; but because of the many additional responsibilities laid upon the employer, the cost of administration is becoming heavier and is constantly increasing. The Act is read, as a rule, in favor of the worker, and statements such as "injury in course of employment" are frequently strained. For example, an employee has received injury after leaving his employers, but will fight to prove that it was whilst he was in employment. There are many items of this class which produce litigation.

Employer D.— The law, as it now stands, should be satisfactory to the workers. Compared with previous legislation, however, the burden imposed on industry is much greater than formerly.

Employer E.— I believe that the result of the Workman's Compensation Act on the whole has not been unsatisfactory to the workmen. I cannot see why it should; the employer bears all the burden, which in Germany is shared by the employee.

Employee A.— The results of the operation of the Workman's Compensation Act are, in my opinion, generally good. However, there are several reforms, or rather improvements, which employees would like to see brought about. We hope to make the Act more adequate to the needs of the working classes. Of course any changes or additions to the existing laws must be made through Parliament.

Employee B.— The operation of the Workman's Compensation Act is of great advantage to the employees, but there are many points which should be amended.

Employee C.— I am of the opinion that taking the Act as a whole the results are good.

Employee D.— The Compensation Act works well. Under the old Act there was considerable difficulty in determining whether the injury was received in a location which would entitle the injured person to recover under the interpretation of the Act. On the whole, the results of the workings of the law are satisfactory to labor. The majority of disputes are settled out of court; when referred to court, issues depend on facts, not on the law. Formerly onus of proof lay with the plaintiff, but this has been changed so that it now lies with the defendant.

Employee E.— The Workman's Compensation Act of 1906 has been of great assistance to employees in all trades. It has generally been satisfactory; at the same time, there are many changes which ought to be made to add to the benefits of the working people, and which I clearly believe they should enjoy and which, in the opinion of my fellow workers and myself, it was intended the Act should cover.

Insurance officer A.— A heavy burden is thrown on the employers of Great Britain through some very objectionable features of the Workman's Compensation Act, 1906. Injured employees frequently refuse to go before medical referees for examination. Where it becomes necessary to bring several physicians to court to decide or ascertain extent of injury, considerable expense is incurred. It seems unfair that an employer must pay the compensation called for under the Act even if employee met injury or death through his own negligence.

Insurance officer B.— So far as workmen are concerned, the results are thought to be satisfactory, because the Act has brought under compensation a number of persons who hitherto received none, but at the same time this Act has increased the cost of production.

Insurance officer C.— The operations of the law have no doubt been most satisfactory to the workmen of this country. Under the Act many more persons receive compensation than formerly.

Insurance officer D.— The operation of the Workman's Compensation Act has undoubtedly benefited the employee, at considerable increased cost to his employer, on whom practically the entire burden falls.

2. IN YOUR OPINION DOES THE LAW LEAD TO, OR CONTRIBUTE TOWARD, MALINGERING OR SIMULATION?

Employer A.— Undoubtedly it does; and this is the worst feature of the present laws. Here is a feature so objectionable that there is room for reform. I would suggest legislation to overcome this evil.

Employer B.— The Act conduces to malingering. My opinion is based on the following reasons:

A workman suffers an injury; if he is well on the eighth day after the accident he would receive only two days' compensation. In most cases, however, the workman would remain absent from work for two full weeks, so as to get compensation from the date of the accident.

If an employer should stop payment of the weekly compensation for the reason that the employee has recovered from his injury, the case is submitted to an arbitrator; in which event the workman has everything to gain and nothing to lose. The arbitrator is usually the County Court Judge, or where it is simply a case calling for medical evidence, a medical referee, appointed under the Act, is called in. Then it is simply one doctor's opinion against another. If there is a shadow of doubt, the workman invariably gets the benefit, in which case an order is made against the employer to pay compensation until workman has fully recovered, or during incapacity, or until workman agrees to accept in lieu of weekly payments a lump sum.

The employer has other difficulties in the practice of a certain class of medical practitioners who, for a small fee, will give a workman a certificate without proper examination, testifying that he is suffering from an injury. The employer has much trouble and expense guarding himself against claims of this nature.

Employer C.— In my opinion, the Act has increased the tendency to simulation, but the increase does not appear to be serious in the case of better class employees.

Employer D.— Yes! I am sure it does!

Employer E.— In the opinion of employers, the Compensation Act has conduced to an increase of malingering. Reports from Continental countries on this subject are to the same effect.

Employee A.— I cannot see that the law leads to malingering. The determination of the degree of injury usually causes no trouble when the accident happens; but a difference of opinion frequently arises as to when the injured person is able to resume duty. When, in the opinion of the employer, the injured man should return to work, he often calls in a private physician to pass upon the case and certify that the recovery is sufficient for the

employee to resume his regular duties. Of course the workman may appeal against the decision of the private physician; in such event the official physician is called in and his opinion is binding. So I may say that, although such differences may arise, they are not serious, and as regards the law's operation, the results are reasonably satisfactory.

Employee B.— Not to my knowledge.

Employee C.— If such is the case, employers should have no difficulty in picking out workmen so inclined.

Employee D.— No!

Employee E.— I cannot believe such to be the case; occasionally among all classes a pretender can be found but not any oftener among the laboring classes than in others.

Insurance officer A.— The law conduces to malingering on the part of employees. The claims under the new Act caused in one year an increase to be apparent; this increase of claims over the previous year, before the passage of the last Act, amounted to over 100 per cent.

Insurance officer B.— After an experience of many years I think that malingering does occur.

Insurance officer C.— We are strongly of opinion that the act certainly conduces to malingering.

Insurance officer D.— Many cases that we have been compelled to take to court clearly consisted of malingering.

3. HAS THE LAW AFFECTED INSTALLATION OF SAFETY DEVICES OR MEASURES TO PREVENT ACCIDENTS?

Employer A.— I may say that the laws probably have had the effect of making employers more careful to take preventive measures by decreasing possible hazards in their factories and works.

Employer B.— Yes! by more effective guarding of machinery and similar precautions.

Employer C.— It has, and still does, foster preventive measures; but as such measures are looked after by other Acts, such as Inspection of Factories, etc., which are now enforced most rigidly, it is difficult to say whether this Act has had much influence.

Employer D.— I do not think so.

Employer E.— The general tendency of this and preceding legislation in regard to industrial accidents has been to direct the attention of the better class of employers in this direction, but it has not affected the whole.

It is my thought that the result of such legislation is that employees, once covered by insurance, are inclined to be less vigilant, or what is worse, their foreman, particularly the hard drivers, are much less careful than formerly.

Employee A.— Employees do not desire compensation in lieu of health and regular wages. It certainly was one of the intentions of the Workman's Compensation Act to compel employers to take precautions for the prevention of accidents. In former times, employers were, to a greater extent, careless as to the dangers existing in their shops and plants. Although conditions along this line are improving, we still want better effects from the law as to the prevention of accidents and protection of employees.

Employee B.— A striking result of the Act has been a reduction in the number of accidents, which is accounted for as being due to greater care taken by the employer. Protective rules and special regulations are more rigidly enforced than formerly. As a matter of fact, the inclination toward greater care can be stated as being mutual to employer and employee.

Employee C.— Employers have, I think, become more careful as a result of the Act of 1906. The burden upon them is heavy, and while they are generally insured, their premium rates may be quite high. Therefore it is to their interest, apart from considerations of sympathy or humanity, to keep both their premises and machinery in safe condition so as to reduce the possibility of accidents.

Employee D.— I have noticed no difference in this line. Employers were, and are still, required to use many precautions for the safety of employees by laws passed long before the present Act became law.

Employee E.—As a result of the passing of the Workman's Compensation Act, employers have increased their efforts to provide safety appliances and improve the safeguarding of machinery, thus minimizing the risk of injuries to workmen.

Insurance officer A.—The Act is stringent and does purport to deal with measures for the prevention of accidents by the Factory and Workshops Act of 1901, which consolidated former Acts. It is successfully administered by Government Inspectors.

Insurance officer B.—When an employer is insured it is a condition of his insurance that he shall take all reasonable precaution for the protection of his employees, and shall comply with all statutory enactments made for their protection.

Insurance officer C.—I do not think so. The measures referred to were properly covered under previous Acts.

Insurance officer D.—Yes! To some extent.

4. HAS THE OPERATION OF THE ACT TENDED TO LACK OF CARE ON THE PART OF THE WORKERS?

Employer A.—I do not think that the Acts under which we operate lead to carelessness on the part of employees. Although many accidents are the result of carelessness on their part regardless of the Act.

Employer B.—It is my firm opinion that the Act does tend to lack of care on the part of the employees.

Employer C.—Yes!

Employer D.—It does not seem to with the better class of employees, but many cases have come to my notice where men apparently intentionally injured themselves. There is an increase in the number of claims since the Act came into force.

Employer E.—I do not think it has.

Insurance officer A.—Generally speaking, yes!

Insurance officer B.—There is a certain amount of natural carelessness among workers caused by constant exposure to danger, but I doubt whether this leads to general carelessness. On the other hand, there are cases of injury in which it is suspected that such injury is self-inflicted; but these cases are very rare.

Insurance officer C.—After careful consideration, I think there is lack of care on the part of employees.

Insurance officer D.—A careful study of all accidents reported will satisfy any fair-minded or disinterested student that 60 per cent. of all accidents reported are due to the carelessness of the worker. In fact there are few accidents reported in which there is not found some element of contributory negligence.

5. HAS THE LAW CAUSED EMPLOYERS TO DISCRIMINATE REGARDING THE EMPLOYMENT OF OLDER WORKMEN?

Employer A.—I believe the law has a tendency to restrict the employment of older workmen.

Employer B.—There is no doubt that the law has caused employers to be very careful regarding the age and health of employees. This of course necessitates candidates for employment to undergo thorough medical examination.

Employer C.—Age is not considered if applicant is efficient. The Act, however, has given use to a tendency on the part of employers to discriminate against aged or physically defective workmen.

Employer D.—I regret to say that discrimination seems to be necessary in regard to men who have already suffered an accident or who have passed the age of forty-five years. As a matter of fact, many men who have had serious accidents are obliged to leave their trade. Employers seem to be afraid to engage them for the reason that a worker who has lost some of his fingers, or one of his eyes, is subject, on account of the defect, to accident more readily than if he had not sustained injury; and that his case in the event of accident to his other hand or remaining eye would be correspondingly serious and compensation much greater.

Employer E.— In my opinion employers should be careful when engaging employees; their age and bodily health should be considered. Under present consitions I prefer to engage men of a youthful age rather than older men who frequently are found to have physical defects.

Employee A.— I have noticed that during the time the Compensation Act has been in operation that is has been difficult for our older members to obtain work. Some instances are reported where men over forty-six years have been refused employment on account of the limitation of insurance policies.

Employee B.— It is being recognized that older men as a rule are more careful of their persons than younger men are, and this is having equal weight with the argument that younger men are more able to cope with and escape danger. At first the law may have had a tendency towards restricting the employment of workmen from forty to forty-five years, because the insurance companies discouraged employers from taking on men of such age.

Employee C.— Yes! I think it has.

Employee D.— In some industries the tendency has been to restrict the employment of elderly workmen; this practice is by no means general and in my opinion will grow less, as evidence proves that age gives experience and more care in performing work.

Employee E.— The law tends to restrict employment of older workmen. Take railways for example; formerly men were employed up to a maximum age of forty; at present time new employees are seldom taken on who are above the age of thirty years, while twenty-five years is the maximum fixed in the majority of cases.

Insurance officer A.— The law has affected the employment of middle-aged and old workers; also workers with slight physical defects; employers are not now inclined to take them on.

Insurance officer B.— I consider that men past the prime of life find more difficulty in obtaining employment than formerly, for the reason that more accidents are likely to happen where such are employed.

Insurance officer C.— I think so. The theory may be all wrong, but it is felt that with older employees accidents are likely to be more numerous and so effect rates of insurance.

Insurance officer D.— I am not sure that the law tends to discriminate against the older workmen. It seems to me that such men through experience would be more careful than younger employees. Of course one must remember that in case of injury the effect would probably be more serious to an old worker than to a young one.

The Compensation Act, its effect on large and small employers.— A great deal of discussion has taken place as to whether the law bears unequally on large and small employers. It is stated that large employers are able to secure lower rates on account of volume of business, and should the small employer fail to insure against compensation under the Acts, the accidental killing of an employee, might easily ruin an employer, particularly one whose entire capital might not be much greater than the amount of compensation provided for in the schedules.

Improper claims.— Much has been said regarding improper claims, and it is curious to note that even the judges seem to be divided on this point.

In a case at Wrexham (October 6th) Judge Moss made some caustic observations in re the above when declining to award a collier increased compensation which had been reduced. He remarked that when a man received such funds as are provided by the Law of Compensation, and by the Miners' Permanent Relief Society, there might be a great inducement, if he thought he was not entirely recovered, to remain idle and to make no sustained effort to resume his employment. It behooved those who were sitting as arbitrators to take great care that the way to imposition was not easy. Because a man said, "I feel a little more pain than usual" he (the judge) was apparently expected to accept this as sufficient evidence to justify him saying the man was entitled to full compensation. He was not going to open the door to make it very easy for medical men and arbitrators to be imposed upon. In the present case he did not think that the man had attempted any imposition, but he thought that he had got it into his head that he was not bound to struggle with the

pain he felt upon starting work again after a long interval, and with his natural apprehension of pain.

On the other hand in the course of a case at Stoke, (October 11th) Judge Ruegg said, "There seems to be a tendency that when a working man says he is suffering from pains as the result of an accident, it must be taken for granted that he is lying, unless you can put your hands on certain object symptoms. I don't think they ought to be treated in this way."

INSURANCE COMPANIES AND THE COMPENSATION ACT.

The British insurance companies have not as yet been able to arrive at the proper amounts to be charged as premiums for the hazards of various trades and employments.

At a meeting of chartered secretaries at Newcastle, Mr. S. W. Gladwell, of the Iron Trade Employers' Insurance Association, read a paper entitled "Workmen's Compensation Notes." In the course of his paper he gave a sketch of the employers' liability for injuries to workmen, and the great increase of sickness amongst members of friendly societies since the Workmen's Compensation Act, 1897. He also drew attention to the great increase which had occurred in malingering. Compensation was still to insurance companies a source of anxiety and trouble, and by reason of insufficient premiums, companies had had the unpleasant experience of accounts which showed a loss. Every employer was getting 1:2:6 for every one they were paying to the insurance companies. He contended that a natural corollary to compensation was the medical examination of the workman. Through no fault of the employer — mainly through the fault of some registrars to file agreements — the cost of litigation under the Act had risen from 4 per cent. of the cost of the claim to nearly 10 per cent. Although it was humane and proper for injured workmen to receive compensation, there should not only be some simple, cheap and effective means for weeding out the malingerer, but a more effective machinery for making the man a fit instrument for his work.

Compensation.—Some £3,000,000 was paid last year in compensation for the death or injury of employees, including domestic servants. Over six and one-half millions of workers in mines, quarries, railroads, factories, docks, building, and shipping are now under the Compensation Act, and an average of £154 was paid in each of 3,541 cases of death, and of £5 6 shillings in 332,612 cases of disablement. The home office report gives the annual cost of compensation to these industries per employee as follows:

	s	d		s	d
Mines.....	20	1	Quarries.....	9	2
Docks.....	16	8	Railways.....	7	1
Buildings.....	14	11	Factories.....	3	6
Shipping.....	10	8			

There is no room for doubt that the Workmen's Compensation Act of 1906 has greatly benefited the laboring classes in Great Britain. Some employers (not many) are against it; but that the justification for insurance and provision against accidents rests upon the strongest grounds is most obvious, and is generally admitted.

It seems to be recognized in Great Britain that the cost of accidents should not be a burden on the workers or employers, but on the consumers of the article produced. Different methods have been employed to bring about the result, in each of them it is recognized that the cost should be advanced by the employers, and paid ultimately by the consumers.

It is not claimed that the present Act is perfect but it is admitted to be a great improvement over earlier Acts. Various bills have been introduced from time to time to amend the Act of 1906. The fact that none of them have been carried very far goes to prove that the Act with all its faults does not lend itself to piecemeal rectification. A bill recently introduced with a view to assisting the elderly and physically infirm worker by giving him power to enter into a special agreement in respect of compensation under the Act, will it is thought meet with no greater success than previous suggested amendments, because of the opposition of the trade unions who fear that such a workmen's state of employment would suffer in surrendering himself to a form of contract akin in many respects to the old and abhorred system of individual barter.

There is considerable discontent on the part of the workers because no provision was made in the Act against the insolvency of the small employer.

Provident societies and co-partnership of employees.—Many British manufacturing concerns and public service companies have each their own Provident Society, the business thereof being carried on at the various works. The objects of such Society is to provide,

by subscription from its members, and by a capitation grant from the Company, a fund for the relief of the members when incapacitated by sickness or accidental injury, for the provision of medical attendance and medicine for members and their wives and families, and defraying the funeral expenses of members and their wives. The rules of such societies are quite strict. A sick or injured member must not leave his house during the daytime without leaving word where he can be found, and no such member shall be absent from home after 9 o'clock at night between the 25th day of March and the 29th day of September, or after 6 o'clock at night between the 29th day of September and the 25th day of March without reasonable excuse and information as above as to where he can be found, otherwise he incurs a fine of one shilling, and on second offense, stoppage of sick or accident allowance. It is to the interest of all employees to see that fellow employees do not give way to malingering, or act carelessly round the works, running the chance of accident; because the dues to the society are thus increased. This is more especially the case where the company has admitted the employees to co-partnership a scheme by which every worker becomes a partner in the business, and which has been adopted by the London gas companies. It has been found that where the employees have been admitted to co-partnership, no matter how small the share might be, that greater economy of operating results; and that accidents are less frequent, the workers co-operating with employers in eliminating hazardous conditions. As a rule a better class of employees are found in establishments where the above practices obtain.

Employers' safety committees.— In several parts of Britain the employers combine in an effort to adopt safety appliances in order to reduce accidents, and thereby also their insurance premiums. Each trade of course forms its own working committee. A notable instance is the textile mills in and around Manchester. The owners of these mills have a central office in charge of a secretary who is assisted by competent inspectors. A careful record is kept of all accidents, no matter how trifling they might appear. Whenever it is noted that any mill is having more than its percentage of accidents, the owner is notified and his mill is carefully inspected to discover cause of said accidents. He may be required to supply additional safeguards and fencing which in the textile industries are fairly standardized. If he refuse he cannot continue a member of the employers' organization. Generally speaking, the defects are discovered and remedied, whether insufficient lighting, crowded machinery or any other cause. In this way a high standard is being attained.

Unemployment.— There seems to be little or no cure for this situation, a suggestion has been made by Mr. Ure, the Lord Advocate, who speaking at a meeting at South Shields, said that so far as he could judge, the only cure, not for unemployment, but for the miseries and privations that accompanied unemployment, was insurance. Mr. Ure proposes to tackle the problem of insurance against unemployment, against sickness, and against invalidity, on a scale which has never been attempted by any other country. This statement on the part of Mr. Ure has been sarcastically referred to by his opponents as Mr. Ure's cure-all.

GERMANY.

Introductions were obtained to the authorities who could give real information, through the courtesy of the American Ambassador, The Hon. Dr. David J. Hill, on whom I called and explained my mission. I must say Doctor Hill listened very attentively. He said. "Everybody should assist and co-operate in the work on which you are engaged, this is not a task for the attention of any one person, or any single nation, it is of international importance. I shall be glad to assist you, let me know how you get on and advise me if I can help you further."

Doctor Hill gave me a letter to the Minister of Interior, Herr Von Dalwitz, who in turn presented me, with a general letter, to the Imperial Insurance Officials, as well as to the heads of the Mutual Trades Associations, all of whom gave me willingly all information asked for, and this information I will endeavor to convey in my report.

Many industrial centres were visited, and the towns of Berlin, Düsseldorf, Elberfeld, Barmen, Krefeld, Solingen, Chemnitz, Breslau and Aachen, Munich, etc., etc., received attention and plants, workshops and factories covering many industries were inspected, particularly with a view of observing how far safety devices were in everyday use. In all, fifty-two plants were inspected — textile works, wood-working, electrical appliances, engine building, tool-making, cement works, paper-making, metal-stamping, printing, buildings in course of construction, subways in course of construction, foundries, etc., etc.

As a result of my investigation, I am prepared to say that in Germany laws are carefully made and as carefully observed, and that nowhere is the installation and use of safe guards so prevalent.

This development is due largely to the compulsory safety regulations of the Mutual Trades Association as well as to the observance of the law by the employer and employee.

Every effort is made to impress the employees, the employers and all officials concerned with the necessity for and importance of safety devices.

I. SPECIFIC SAFETY PROVISIONS REQUIRED BY STATUTE OR ORDER.

a. In Germany all factories and workshops come directly under Mutual Trades Associations, who decide upon and issue specific rules and regulations regarding health and safety of workers in the various trades. These rules, however, are submitted to the Imperial Insurance Department before they become law.

There are special rules and regulations for each trade, which may vary slightly according to the conditions in the district in which the industry is being conducted.

Employers must pay particular attention to the arrangement of workrooms, machinery, etc., so that employees are protected from dangers, both to life and health.

Light, ample air space, and removal of dust, vapors and gases arising from the work are insisted on. Proper ventilation must be provided.

Arrangements in the way of proper guards and safety devices to prevent workers from contact with dangerous machinery, or parts of same, must be provided.

Machinery must not be oiled or cleaned while in motion.

Sufficient exits must be provided to ensure safety of employees in case of fire, as well as appliances for fighting same.

General rules must be issued regarding the regulation of the business and the conduct of employees so far as might be necessary to avoid danger and ensure their safety.

b. *Buildings*.— The rules and regulations governing work under this head are very complete. All scaffolding must be of substantial construction, with proper provision for convenient stairways (not ladders). At all stages of the work the scaffolding must be securely anchored to the main structure. Outside scaffolding must be properly fenced in; the height of such fencing must not be less than three feet, three inches. The entrance to each scaffold must be protected by a roof on each floor. Proper covering is required over the sidewalk.

Workmen are prohibited from walking on the beams; each floor must be covered with planking or otherwise safely filled in. All temporary and permanent openings must be efficiently fenced. Where an employee is compelled to work in a position which does not permit of a scaffold, he must be provided with a safety belt and line.

Projecting nails or loose pieces of wood with nails in them must be immediately removed or nails driven in.

Machinery (hoisting, etc.) must not be started after a stopping period without warning to other workmen.

Machinery must not be operated except by specially appointed workmen.

When wrecking buildings, it is permitted only to do so floor by floor, all debris being removed before next floor is touched.

After a gale, workmen are not allowed on scaffolds until the scaffolds are thoroughly examined and fastenings overhauled and secured where necessary.

c-1. *Railways*.— All of the main lines are under government supervision, and special regulations covering working of same.

c-2. *Railways in factories*.— No special regulations.

(See some items under V. General.)

d-1. *Tunnels*.— Shafts and timbered construction, and work under compressed air.

In every underground construction provision must be made from the very beginning to prevent the falling in of rocks or soil, and structure must be made secure against outside pressure. In this kind of construction it is sometimes necessary to specifically provide for supply of fresh air.

In tunnels and timbered works separate trucks or wagons must have a signal light in front. Trains consisting of two or more wagon must, in addition, be provided with a bell signal. Headings and shafts must be closed off if not under work or in use.

If material is handled in shafts by machinery, and at the same time such shafts are used for carrying men in elevators, the contractor must have the Trade Association's permission for this double use of the shaft.

For work under compressed air only physically sound people must be employed. Before being engaged on such work, the workmen must undergo a medical examination and such medical examination must be repeated at proper intervals.

Length of time working shifts must be employed under pressure should, as a rule, be as follows:

Up to 1 atmosphere's pressure (15 pounds) not over 10 hours per day.

From 1 to 2 atmosphere's pressure (15 to 30 pounds) not over 8 hours per day.

From 2 to 2½ atmospheres' pressure (37 to 45 pounds) not over 7 hours per day.

From $2\frac{1}{2}$ to 3 atmospheres' pressure (37 to 45 pounds) not over 6 hours per day.

These figures exclude the time taken for entrance and exit to workings.

The entrance to the workings should be made gradual with a gradual increase in pressure.

Newly employed men must be given proper instructions regarding the way of getting through the air locks before they are admitted to the same.

The time which should be used to enter, and particularly to leave the workings through the air locks, should, as a rule, be as follows:

For every $\frac{1}{10}$ (1.5 pounds) of an atmosphere's pressure up to $1\frac{1}{2}$ ($22\frac{1}{2}$ pounds) atmospheres, $\frac{1}{2}$ minute.

For every $\frac{1}{10}$ (1.5 pounds) of an atmosphere's pressure up to 2 (30 pounds) atmospheres, $\frac{3}{4}$ minutes.

For every $\frac{1}{10}$ (91.5 pounds) of an atmosphere's pressure up to $2\frac{1}{2}$ (37 pounds) atmospheres, $\frac{4}{5}$ minute.

For every $\frac{1}{10}$ (1.5 pounds) of an atmosphere's pressure up to 3 (45 pounds) atmospheres, 1 minute.

For untrained workmen the time of entrance should be somewhat increased.

Men working in compressed air chambers must be properly instructed how to put themselves in communication with the outside.

At the inlet and outlet air locks, provisions must be made for handling the change of air in the workings. The necessary room in the inlet and outlet air locks must, as a rule, be such that every person has at least one-half cubic meter of room. The total space of the air lock must not be less than two and one-half cubic meters (about $2\frac{1}{2}$ cubic yards). It is important, particularly in the outlet room, that at no time shall the number of occupants be more than will fulfill the above conditions.

Foul air must be expelled by mechanical means whenever necessary.

In the summer time the air locks should be protected from the direct rays of the sun by means of matting or straw covering, which, at intervals, should be cooled off by sprinkling with water.

If a workman, when emerging from the compressed air workings, should be suffering from heavy pains in the limbs, being partly paralyzed and unconscious, he should, before the arrival of the doctor, be well wrapped up in warm blankets and otherwise treated so as to promote perspiration.

Every air lock must be provided with a pressure gauge and have provision for attachment of calibrating gauge. If the work will be of more than twelve months' duration, the air locks and the shafts leading thereto must be tested with water or air pressure; this test pressure must be twice the pressure under which the air locks will work.

d-2. *Quarries.*—Work in quarries must only be conducted under the immediate supervision of a person fully competent and familiar with all phases and details of the work. He must strictly enforce all rules and regulations pertaining thereto. In the absence of such supervisor or superintendent, a fully qualified deputy must be ready to take up the duties.

Epileptic, deaf, partially deaf or very short-sighted persons must not be employed in dangerous places.

Intoxicated persons must not be admitted to the works.

In quarries where the rock strata are interrupted at various depths by softer material, a ledge of rock, not less than three feet, three inches, must be allowed to remain at the foot of such material in order to afford proper support, when the depth of the overlying soft strata is six feet, six inches, or less. When over six feet, six inches, the ledge must not be less than one-half the depth of soft material. If the soft strata above mentioned should contain boulders or loose rocks, frequent examinations must be made and loose rocks and boulders removed.

The slope of such material should not exceed 45 degrees.

After blasting, an immediate, careful inspection must be made so that all material loosened by the blast and likely to fall can be detected and removed. After freezing weather the walls must be examined and all dangerous places made safe by removal of loosened rock or boulders, or other materials.

Undermining the walls of excavations or quarries, or leaving any part of same overhanging, except in solid rock where the natural cleft may cause an overhang (which will not in any way imperil the lives of the workmen), is prohibited.

If it can be proved to the Trades Association that the work cannot be continued without a certain amount of undermining, either for technical reasons or prohibitive cost, concession for such work will be granted, and in this event the special rules governing undermining must be strictly followed.

In addition to the general rule for blasting, there are special regulations to be followed regarding this class of work in quarries and excavations.

It is sometimes necessary to have men working on the walls of quarries or excavations, and in such cases a sufficiently large platform must be provided so that they can work in safety.

Special precautions must be taken by timbering or other means to prevent wagons or trucks backing into the quarry.

Proper provision must be made by means of gangways, ladders or stairs for workmen going to and from their work, or to allow quick escape, if such action is necessary.

Gangways six feet six inches or more above the ground must be provided with hand-rails of solid construction.

Gangways below six feet require no handrails, but a footboard, five to six inches high must be provided.*

All gangways, scaffolds or ladders must be equipped with proper guards to prevent material from falling on workmen below.

All ladders in the workings must be of such length as to project not less than three feet, three inches above the platforms.

All hoisting apparatus must be provided with efficient brakes, and all exposed gears must be properly covered.

Employees are not permitted to ride on top of loads or inside of cars or wagons, or in fact anywhere except where seats are provided. Employees are not permitted to get off or on moving cars or wagons.

Loading or unloading heavy blocks of stone must be done only under charge of a foreman, or some other person experienced in this work. This work must not be assigned to young and inexperienced men.

It is the duty of the employer to provide the man with goggles where required.

Abandoned workings and pits must be efficiently railed.

Workmen are prohibited from entering or leaving the works except by the gangways, stairs or ladders especially provided for the purpose.

d-3. *Ore and coal mines.*— See notes on Tunnels d-1, and Quarries d-2.

e. *Electrical companies.*— Are regulated by the requirements of the Electrical Trades Association. All electrical installations are subdivided into low voltage or high voltage plants or systems. Under the low voltage belong all installations with direct current potential up to and including 1,000 volts and alternating current installations up to and including 500 volts. All alternating and direct currents of higher voltages than above stated are regulated under the high voltage systems.

All apparatus, such as dynamos, motors, transformers, converters, etc., should be installed in rooms especially assigned for the purpose, away from inflammable dusts or gases. The use of combustible material must, as far as possible, be avoided.

All accumulator rooms must be efficiently ventilated; only incandescent electric lamps must be used for illuminating these rooms.

In high voltage installations, all live conductors or apparatus, such as switches, etc., must be carefully protected and guarded to prevent accidental contact with same. Warning notices must be posted in conspicuous places calling particular attention to the *high voltage*.

Admittance to testing rooms is absolutely forbidden except to employees actually engaged therein.

The rules contained in previous paragraphs do not apply to testing rooms.

No work must be attempted on high voltage apparatus or lines until it has been positively ascertained that the current is cut off from such apparatus or line sections. This rule applies also to high voltage arc lights.

Instructions as to the treatment of persons suffering from electric shock must be affixed in conspicuous places in all premises where electricity is generated, transformed or used above low pressure.

It is prohibited to put up scaffolds or platforms near moving machinery or shafting, or bare current carrying conductors.

The platforms of tower wagons must be efficiently railed and provided with foot-boards.

When at work on poles or roofs where rails or fencing do not exist, or cannot be used, the worker must, in all cases, use a safety belt, which is the duty of the employer to provide.

f. *Stevedoring.*— Is regulated by a special trade association covering this class of labor. Rules are issued for the guidance of both employer and employee.

All dangerous places such as shaft-ways, pits, holes in floor, hoist openings, gangways, etc., must be either covered over or efficiently railed.

* I do not like this last provision.

All doors over hoist or other openings in floors must be securely hinged to avoid danger of them falling on persons below.

All working places or passages leading thereto must be well lighted.

Ample provision must be made for exits in case of fire.

All hoisting machinery and other apparatus must be kept in good working order. Any damaged parts must be immediately renewed. All ladders, removable steps, gangways or chutes must be securely fastened top or bottom when in use. No loose planks must be used.

Ladders leading into holds of ships or into bins must extend at least three feet above, unless other means are provided for easy exit or entrance.

Gangways and loading platforms must be sufficiently wide for free passage and working space, and supported and anchored so as to avoid undue vibration and sagging.

Sacks and bales must be stacked on an even and secure floor or base, in such manner as to preclude the possibility of them falling. Samples must not be taken from lower rows.

Highly inflammable material, such as refuse paper, celluloid, wood shavings (excelsior), mineral oils, alcohol, etc., must not stored with other goods.

When explosives or highly inflammable goods, such as alcohol, petroleum or benzine are being handled, safety lamps only must be used; the use of ordinary lamps, matches, open torches, etc., is prohibited. Smoking is also prohibited.

All hoisting machinery, chains, cables, etc., must be tested each year. Workmen must not throw chains, slings, hooks or other tackle from one floor to another, or one deck to another.

g. *Elevators.*— Under special regulations. Doors or screens to shafts must be so arranged that they cannot be opened except when cage is at floor, and the car or cage cannot be started unless door is closed. All elevator cages carrying passengers must be roofed over and have protecting sides of sufficient height.

Elevator shaftways must be enclosed.

Elevators, other than the plunger type, must, when installed for passenger traffic, be equipped with not less than two cables or chains. Upper and lower limit automatic safety stops must be provided in all cases.

All elevators must be provided with a safety lock which can be operated at any floor desired. (This also applies to freight elevators.)

In passenger elevators a card must be displayed in conspicuous position on which is stated the maximum number of passengers, including the operator, permitted to travel in the car at the same time.

On combination passenger and freight elevators a notice must be posted stating the maximum weight in pounds to be carried, as well as the number of persons. (This type of elevator is found mostly in factories.)

No employees or other passengers are permitted to travel on freight elevators and that being the case no special safety provisions are required. A notice, giving maximum weight to be carried in car, must be displayed.

Every elevator must be tested and examined at least once a year by an expert inspector.

All elevator operators are licensed and must be examined as to qualifications, fitness, etc., before receiving license.

h. *Other undertakings.*— This would cover general work of many classes, and would involve (when Germany is being considered) a general discussion embracing all of the sixty-six industrial trades as well as the forty-eight trades which come under the agricultural and forestry associations.

In general, however, I may say that such special trade association has its own rules, working on the same line as those already outlined on previous pages. In all cases safety is the first consideration.

II. METHODS OF ENFORCEMENT.

a. *Organization of department, or departments, of government charged with enforcement of these statutes, and with general business of accident prevention.*— In Germany this duty is not in the hands of the Imperial Government, the factory laws regarding prevention of accident form part of a systematic code for the regulation of all industries, and this detail, along with others, is controlled by the various Mutual Trades Associations. These associations are practically a combination of employers only, and they establish the statutes and all matters pertaining to their respective trades. In order that their rules and regulations may become laws which can be enforced, they must first be submitted for approval to the Imperial Insurance Office.

The organization of these Mutual Trades Associations is as follows: All manufacturers in each particular trade throughout the country combine in an association for the purpose

or self-protection against accident to their employees or work people for which they could be liable under the German Civil Code.

In this respect these Associations, of which there are in all 114 covering all industries, agriculture and forestry, are really Mutual Insurance Companies and are absolutely self-maintaining; the funds necessary for operation being collected by assessment from the employers only. If, on account of depression of trade (dull times), etc., assessments could not be collected, and the funds of any one of the Associations becomes so low as to cause danger of liquidation, the Imperial Government steps in and takes over all liabilities, so as to insure to all pensioners and receivers of aid continuance of payments previously arranged or in course of decision. In this way the employees are saved from loss and consequent suffering. On investigation I find that, during the twenty-five (25) years of the existence of the Mutual Trades Associations, not one case of the above kind has occurred. On the contrary, all of the Associations are prosperous and every employer gladly contributes his share of the expense.

There are two systems for making assessments:

1. The actual expenditure (or outlay) during the year is collected from the various members of each association pro rata.
2. The capital required for any new pension made necessary by accident during the current year is called in at once. It must be admitted that this system works splendidly, the employers responding willingly.

Constitution of Mutual Trades Associations.

The members elect their Board of Management or Directors. These are all honorary positions.

The Board of Management elect a Managing Director or Secretary, who in the first paid employee of the Association.

This Director employs an adequate office staff according to the needs of the Association. He also engages all lawyers, physicians, inspectors, clerks, etc. It is his duty to consult the Board on all matters of more than ordinary importance.

An employer entering any of the trades, automatically becomes a member of the Mutual Trades Associations without having to apply for membership thereto. He cannot in any way avoid it. The act is compulsory.

There are at present engaged in connection with the Mutual Trades Associations about three hundred (300) inspectors. The actual number depends upon the number of factories, as well as amount of work to be done. Factories vary in size from one taking in say, an ordinary block, to another covering one hundred or more acres. In this connection also the distance to be covered must be considered.

Each factory must be inspected at least once a year. Factories, where women and children are employed, must be inspected every six months.

Great care is exercised in the selection of men for positions as factory inspectors.

Before a candidate is qualified for a position as inspector, he must, first of all, have received a general high school education; followed by a course at a technical high school (polytechnic) and receive a diploma. He must also be qualified in the particular trade of the Association employing him.

Officers of the Army or Navy, who have been retired for some reason (generally physical) not reflecting on their conduct, are also employed by the Trades Associations as inspectors. They must, however, have served and gained their education and experience in the engineering corps; and they are only placed in such service where their knowledge and experience will best serve the interests of the Association. A number of the inspectors are recruited from the Imperial Government staff, these men having been especially trained.

A few lady inspectors are employed for special work.

Junior inspectors are not employed at a regular or fixed salary, neither is the employment considered permanent; this point is only decided after the candidate has been in service five (5) years. He can be dismissed at any time during that period. Having passed the five years of probation successfully he becomes a permanent employee of the association and receives all benefits, rights and privileges.

The salaries are rated according to the knowledge and education required for each particular post or trade and the ability of the individual, all men not being placed on same level.

Junior inspectors receive on entering the service a salary averaging from 2,400 to 3,000 marks per annum, with an allowance for travel and sundries, and 200 marks additional for lodgings. (Four marks equal one dollar United States money.) After the first five years there is an average yearly increase of 20 per cent. The salaries are steadily increased

according to trade and ability to a maximum of 6,000 marks in some trades, while in others the maximum reaches 15,000 marks, in addition to a certain amount for apartments, heating, etc., averaging about 600 marks.

When on circuit or special mission 10 to 15 marks per day are allowed for expenses, as well as mileage at the rate of 8 to 10 pfennigs per kilometer.

After ten (10) years service, the inspector (also all other employees) is entitled to pension at the rate of 20 per cent. on salary; the percentage increased year by year until at expiration of forty years' service the amount of pension granted equals 75 per cent. of the salary.

The scale of pensions is the same as that adopted by the Imperial Government.

The German inspectors impress one as being particularly well equipped for the work on which they are engaged. Positions on the staff are eagerly sought by men far above the average from educational and other view points. The fact that the job is practically for life makes it all the more desirable; the pension, of course adding an additional incentive. Each man knows his duty thoroughly and performs it regardless of fuss or favor. The co-operation between employer and inspector is splendid and this co-operation to a large extent includes the worker also.

b. *Frequency and methods of inspection.*— This item has been discussed under "*details of organization*" see "a." On account of the manner in which trades, etc., have been specialized in Germany, an employer owning, for example, a machine shop, would have to deal with quite a number of inspectors representing the various trades carried on in his workshops. Inspectors from wood-working, iron foundry and machinery trades, etc., etc., would all call, each representing a particular trade. Inspectors deal directly with the employers or special representatives. In many establishments a safety inspector or engineer has charge of the prevention of accident, and it is part of the duty of this employee to deal with the inspectors or other insurance representatives on their visits to plants. There is seldom any difficulty or obstacle raised on account of the inspectors' recommendations.

Each Trades Association has specific safety provisions; there are instances, however, where some latitude should be allowed and the inspector has discretionary power. On the whole, a recognized standard is insisted on.

The system works well.

c. *Powers of this department, or departments.*— Inspectors have power to enter any factory or workshop at any time to see if the regulations are complied with.

When safety provisions or other rules are neglected the employer may be fined. If he continues to neglect them he may be given a higher rate compatible with the added risk on account of his negligence. In case of flagrant neglect, the State will step in and close the factory.

Each Trades Association is an executive body governing its own trade or employment. It has absolute power to enforce the use of safety devices selected by itself as being proper, and approved by the Imperial Government, to whom they have been submitted.

Inspectors also have every right, and it is their duty, to make any suggestions to employers which, in their opinion, may add to the safety of any plant, factory or workshop. In this way many devices are placed on machinery, which are not compulsory, but which are recommended as being necessary for the prevention of accident.

Experience proves that the employer meets the suggestion, being anxious to reduce in every way the chances of accidents, and further, because he knows that if the suggestion is important, it will be made compulsory later.

Apart from all of the above, the reduction of accidents on account of safety devices tends to reduce his assessment.

d. *Penalties actually imposed for violation of law or order.*— Penalties are imposed for violations. They are fixed by the Trade Associations after consideration of inspectors' report, together with testimony of others concerned. These penalties run from 6 to 1,000 marks, according to offence; there is no fixed amount of fine for offences and each penalty is fixed according to the merits of the case. For instance, while the writer was in Germany, a case came up against some tugboat owners, whose engineers had tampered with the safety valves of the boilers so as to carry a higher pressure than allowable by design and construction, thereby cutting down the factor of safety.

The Trades Association considered that the owners were cognizant of this Act, and that they had gained a financial advantage thereby, and that they were equally guilty, therefore, both employer and employees were fined. In the case of the wealthy owners a penalty of 1,000 marks was imposed for each offence. On the other hand, poorer owners, having only one boat, were fined 300 marks; the thought being that the lesser fine in the latter case was sufficient and equal punishment as was the higher amount with the wealthier company.

Employees are subject to penalties for disobedience and may be fined from one (1) mark to six (6) marks for each failure to comply with regulations.

III. REPORTING ACCIDENTS.

a. *Accidents required to be reported.*— 1. Reporting of accidents: All accidents must be reported whether causing personal injury or disablement, or not.

Accidents not requiring more than thirteen (13) weeks' treatment are reported to the authorities in charge of the Sick Fund; but if, on examination by the physicians of the Sick Fund, or during course of treatment, it should be found that there exists a likelihood of the period of disability exceeding thirteen (13) weeks, or result in partial or total disablement, the accident must be reported by the employer to his Trade Association and to the police authorities. An investigation is made at once by both the police authorities and the Trade Association. The police decide whether the case is one for public prosecution or not, and a fine may be imposed. This fine, however, is quite independent of any fine or penalty imposed by the Trade Association, if it is thought that the accident was due to negligence on the part of the employer.

If the employer feels that any penalty imposed by the Trade Association is unjust, he has the right of appeal to the Imperial Insurance office for arbitration.

The Arbitration Court is composed of the permanent President of the Department for the Prevention of Accidents and six other members representing the technical, the legal, the employer and the employee; each member has an equal vote. There are also six representatives for the employer and the employee in equal numbers.

The decision of this Court is absolutely final. Each member of this council receives the same remuneration for services, regardless of his standing otherwise, nine (9) pfennigs per kilometer for travelling expenses and 15 marks per day for diet, etc. There is also a daily fee.

The expenses of this Court do not fall on the Trade Association but are borne by the Imperial Government.

REPORT OF ACCIDENT.

b. Trade Association.....
 Section.....Delegate.....
 Name of employer.....
 Title and full address.....
 Name and full address of firm.....
 Address of works.....
 Registered number of Trade Association.....

NOTICE OF ACCIDENT.

To the police office at.....

(When sent to Trade Association fill in address above.)

TAKE NOTICE:

To avoid penalty the employer must at once advise the occurrence of any accident by which an employee has been killed or injured, or who might be totally or partially disabled for more than three days, or have suffered death.

1. To the Local Police in the District in which the accident took place:

In case of accident taking place during a journey, report at the first stopping place or station after the occurrence.

2. To the Trades Association:

Notice must be given within three days, and for the marine branch, within two days after the employer has received notice thereof. In the absence of the employer, a representative must report the accident.

A separate form must be sent in for each injured or killed person.

1. Day, date and time of accident.....

2. a. Description of work..... a.....
 b. Branch of works where accident happened..... b.....
 (State as far as possible the grade of hazard.).....
 c. Place of accident, with full address.....

3. a. Full name and address of injured or killed person. (In case of minors, the names of parents or guardian must be given.)	a.
b. Occupation and description of duties..	b.
c. Day, month and year of birth. (If unknown then approximate age.)	c.
d. Single, married or widowed.....	d.
4. a. Accurate description of injury. (As far as possible follow physician's statement.)	a.
b. Was death caused by the accident?....	b.
c. Is the injury likely to cause death?....	c.
d. Will the injury cause absence from work for more than 13 weeks?	d.
5. a. Where is the injured party receiving treatment?	a.
At hospital (name hospital)? At home?	.....
Name. . . I. Physician treating case.	I.
Location of.....	.....
Address . . II. Physician rendering first aid.	II.
b. Is injured party able to continue work?	b.
6. a. Does injured party belong to Sick Fund? (Accurate location and description of Sick Fund.)	a.
b. Does the injured already receive accident, invalid or age pension?	b.
7. Cause and description of accident. (Give as detailed account as possible, and place of occurrence — for instance, shop, forest, field, stable, etc.; location as well as class of work; machinery, etc., by which accident was caused. If possible, make a sketch of place of accident and diagram showing occurrence.	.....
8. a. Eyewitnesses of accident.	a.
b. Other persons who first heard of accident. (Give full names and address of a. and b.)	b.
9. Special remarks (for instance, suggestions for prevention of similar accidents), was injured party previous to the accident already partially disabled, etc., etc.?	.....

Name of employer or representative making
this report.

Date.....

IV. ACTUAL RESULTS.

Accident features.—Statistics published by the various Trades Associations in their annual reports may be accepted as being absolutely reliable. It is not easy, however, to take them as a basis of comparison with either the United States or Great Britain, because the manner of tabulation is different in each country. In Germany the different occupations and trades are divided quite minutely and a number of occupational diseases are classed as accidents.

Statistics in Germany show an increase in the number of accidents. This feature, however, does not indicate that the means adopted for the prevention of accidents have not been effective — quite the reverse. Severe accidents are undoubtedly becoming less and less frequent as improvements go on. The enormous figures of the number of accidents are mostly accounted for by slight injuries, such as cuts, light burns and bruises. If a female operator is hurt by the prick of a needle, the matter is now reported. All these accidents were previously accepted as the ordinary hazards or consequence of occupation, and no notice was taken of them; whereas now, the slightest injury has to be reported and is tabulated.

The reason for this minute and detailed tabulation can be found in the fact that many injuries, which at first appeared trifling, have afterwards become serious, causing blood poisoning and other complications.

All employees or work takers, as the Germans term them, are now so well educated in this direction that there is every assurance nothing is left unreported.

Increase in number of accidents is also accounted for in the enormous increase in the substitution of hand labor by machinery. Nowadays some kind of machinery is found for every operation, particularly so in the small industries, such as butchers, bakers, small farmers, and small mechanics.

A visit to a community in Germany of, say 900 inhabitants, will disclose the fact that the village carpenter is carrying on his operations with an engine and boiler.

A corresponding increase was noted in compensation figures. The authorities explain that the figures do not purely show the entire state of affairs, because compensations of former years are included therein and must be continued. In time the entire system will show a decrease, the heavy compensations for severe cases are now comparatively few, the compensations now made are, therefore, not as heavy as in the past.

V. GENERAL.

Accidents due to falling.—Each Trades Association has its own special regulations regarding this important question (see remarks on "Building" and "Stevedoring"), but much remains to be done yet, particularly in connection with overhead cranes. Guards are called for wherever possible on cranes and approaches thereto. Many, however, are so constructed that guarding can only be accomplished to a limited extent. As regards runways, the majority cannot be railed.

The cranes in many plants are equipped with what can be termed pilot brushes, which are affixed to arms extending several feet in advance of the travelling wheels. In my opinion this is an effective device. Modern cranes work almost noiselessly and the pilot or safety brush warns any person, with arm or foot on rail, or holding on to same, of the approach of the crane.

Accidents due to conveying and hoisting machinery and railroads in the big mills of all kinds — signals.—Warning signals must be displayed conspicuously on all tracks where cars are being repaired.

Cut-offs.—Not general, but required in many plants.

Inspection and annealing of chains — stopping cranes for repairs.—All cranes, and other hoisting machinery, must be tested every year. No special regulation in re-annealing of chains, but they must be tested once each year. Many engineers in favor of annealing: the general idea prevails that this should be compulsory. Cranes must be provided with safety switches and locking devices for use when crane is under repairs.

Automatic couplers and passages over rails in mill yards, etc.—Automatic couplers not compulsory, conflicting opinions as to desirability of same. No passages required under, or bridges over tracks in mill yards.

Accidents due to lack of perfect disconnecting system.—There are several devices for disconnecting shafting and transmission of various types. The use of such devices is not compulsory and there are no special regulations for factories and workshops.

The general opinion is that the scope of such devices is limited. The writer differs from the above. I do not think that the devices now in the market would prevent accident; but I believe that the installation of thoroughly effective disconnecting appliances, while not preventing, would tend to minimize an injury.

Discarding of guards.— Workmen can be, and are fined up to six marks (\$1.50) for removing guards; this offence is not now as frequent as in former years. Foremen who permit employees to remove guards are also fined, the idea being, that the removal would not be possible, or the guard left off for any considerable time, unless with the knowledge of the foreman.

Before this rule was explained to me, I visited one of the largest establishments in Berlin, and prior to going through the shops, was given by the superintendent an outline of the methods in force in re safety requirements, etc.; among others, that women and girls must wear caps or coverings over their hair when working at machinery, near revolving shafting, or spindles, and so forth; also that guards must not be removed. Nothing whatever was said about penalties. I reserved the question until after inspection. While going through the various departments, I called attention to female operators working without caps, their hair in dangerous proximity to revolving spindles; also to machines where the operators were on piece work and the guards had been removed; the guards in no way retarded the output of the machine but had been taken off and not replaced because possibly the operator considered himself too busy. On returning to the superintendent's office he questioned the safety inspector, who was my guide during the trip through the plant, as to whether the working of the establishment had been thoroughly explained, and expressed the hope that I had seen everything. At this moment the inspector passed a slip of paper on which he had made notes during our inspection, to the superintendent, who, glancing at it, continued: "You have indeed seen more than some of us bargained for; as a result of your visit, a foreman and three operators are fined; please come and see us again." There was no pretense about the remark. He was not glad to fine the employees, but he was satisfied that carelessness had been detected and punished. The penalties are not made unnecessarily heavy but they serve to sharpen the wits of neglectful employees.

Has the installation of safety devices or guards on dangerous machinery prevented accidents?— There is no doubt that in Germany, as well as in Great Britain, the number of accidents would have been much greater were it not for the constant effort to secure prevention by the adoption of practical safety devices. The workgiver, the worktaker, the Trades Associations and the Imperial Insurance authorities work together to this end. Their efforts are aided by the managers of the sickness and invalidity insurance societies, who join in making clear the necessity of proper regulations and safety appliances of all kinds to reduce as far as possible the number of preventable accidents.

There is a decided preference for fixed guards, and where gearing, shafting and belting are considered, wire mesh guards are preferred, because there is less chance of accumulation of dirt and rubbish behind the guards. The circular cutter block on wood planers, mentioned in report in re Great Britain, is used extensively in Germany.

Rest periods, short hours of labor, etc.— Not yet insisted on. This matter is being seriously considered and it is expected that regulations will shortly be formulated by the various Trades Associations.

Relation between inspectors and labor unions.— There seemed to be no difficulty between the Trades Association Inspectors and the labor unions; the relations were apparently of a cordial nature.

Standardization of guards.— There is a great similarity here between the German and British methods: both aim toward guarding or fencing all dangerous machinery in such a manner as to prevent injury by accidental contact. If anything, Germany has gone furthest in this direction, inasmuch as each separate trade has specified guards so particularly in connection with many operations that they may be said to be well standardized. It must be admitted that there are many types of machines in connection with which it would be impossible to specify any guard which could be classified as standard, each machine requiring different safety appliances according to the work for which it is used.

Experts in various lines as inspectors.— Inasmuch as the various Trades Associations in Germany select their own inspectors for each trade, and they are said to be familiar with the trade before appointment as inspectors, one might say that all are experts. Yet the Socialists are not satisfied that they can be so termed, contending that the inspectors have only limited practical experience, and to be really useful, should be able to advise regarding right methods of living, and safeguards against disease, as well as against accident.

In my opinion, it would not be easy to find the combination desired by the Socialists.

Patented safety devices.— This is a point on which the inspectors of all countries agree. Patented devices cannot be forced on employers without some suspicion of commercialism, and if the owner of a factory can provide a home-made device of simple construction which answers the purpose, the inspector is satisfied. Many patented devices are meritorious and the thoughtful employer will gladly install them if he feels that accidents will be prevented by such installation.

Museums of safety.— Too much cannot be said in favor of such institutions. There are two splendidly equipped museums in Germany, one at Berlin (Charlottenburg) and another at Munich; both are practical institutions where machinery and other appliances can be seen in motion and under practically the same conditions as they are when in use in factories, workshops, laundries, etc.

The museums are State institutions and have an interchange with museums at Amsterdam, Paris, Zurich, Milan, Vienna, Budapest, Stockholm, Moscow, and New York.

Employees of factories and workshops, pupils at industrial schools and members of clubs in connection with the various industries and trades arrange special visits to the museum centers in order to take a personal view of the devices, as well as to attend the lectures on the subject of accidental prevention, which are given frequently.

When a manufacturer has a new device, he notifies the trade of which he is a member. The Association sends a pamphlet with complete description to the museum authorities. (if the manufacturer has not already done so). A special committee goes carefully into the merits of the invention, and if it has merit, the inventor is asked to send a properly equipped machine to the museum free of charge.

The machine remains the property of the manufacturer and can be recalled by him at any time. It is carefully reviewed by a special committee and is not admitted if undeserving. The museums are also used for training inspectors as to safety devices; a special course of lectures and practical demonstrations are given each year and all inspectors must attend.

Handbooks of safety devices.— Each trade issues its own handbook both for employer and employee, setting forth specific safety provisions regulating the particular trade.

There are several good handbooks on the subject in Germany in addition to the instructions issued by the Trades Associations. The latest, and by far the best book ever written on the subject of "Safeguards and Accident Prevention," generally, has just been published by Dr. George Schlesinger, Professor of Engineering at the Imperial Technical High School, Charlottenburg, and Dr. Ing. h. c. Konrad Hartmann (Geheimer Regierungsrat und Professor Senatsvorsitzender im Reichsversicherungsamt), who contributes "Trade Association safety devices and their developments from 1885 to 1910."

Educating factory inspectors.— This subject has been touched on in various paragraphs. There is, however, another class of inspectors who do not report to the Trade Associations but come directly under the Government, working, however, under the direction of the Police Departments throughout the Empire. They belong to the civil service list of the Government. Their education is of the highest standard, Gymnasium of High School to the age of 18 or 20, after which the candidate must matriculate at the Polytechnic High School, and later study law at university. A student, after the first State Examination becomes Gewerbe-Referendar, and after the second or final, he becomes Gewerbe-Assessor; in other words, he takes his degrees. During the period of study between first and second degrees, he is called upon from time to time to attend lectures, which include attendance at the Museum of Safety and Industrial Hygiene for Technical Education. After taking his second degree, he must await his turn for a permanent post. He gets a small allowance after taking his degree.

Failing an appointment directly with the Government, he is eligible for employment with the Trades Associations. Should he be successful in obtaining a position with the Government, he is detailed to a section of the Police Department known as the Gewerbe. This, roughly translated, could be called the Business or Commercial Police. It is the duty of this division to look after sanitary matters, proper lighting, quantity and quality of air for workers, sizes of work rooms; to pass upon building plans and plans of proposed construction. It is also their duty to see that legal holidays are observed, and supervise generally all branches of trade. It is not a part of their duty to deal with prevention of accidents, although they are well instructed in this line and frequently, as above stated, enter the service of the Trades Associations.

There is a special department in each district as described in the foregoing.

There are about 300 of these Government Inspectors.

I consider it of interest to state, that on arrival at one of the various centers, the inspector announces his presence and invites laborers and workmen to meet him for the purpose of hearing complaints or for any other reason. If complaints are made and they appear important he makes out a report and the matter is followed officially and investigated. On the other hand, he may call meetings and invite worktakers and foremen, giving them a talk or lecture concerning matters of health, sanitation, safety, etc.

Trades Association Inspectors.— This subject has been considered, but not as to whether the number of men so employed were adequate for the work. Experience has shown that about 300 inspectors employed by the Trades Association can satisfactorily carry on the work all over the German Empire.

Taking as an instance, the Mining Trades Association; the greatest precautions had already been provided by the Reichstag, so that there was nothing left for the Trades Association to do. Concerning the other trades, the larger factories keep their own inspection or safety staffs. To give an idea to what extent this is done, I need only mention that the iron works of Krupp at Essen employ about twenty-five (25) inspectors of the highest grade. Men who are well educated and each especially qualified in some particular branch of the industry.

The General Electric Company of Berlin, Siemens and Halske, Ludwig Loewe, and all large establishments, have their safety staff, which is of great help in furthering the work of the Trades Association in its effort toward the prevention of accidents and the adoption of safety devices.

Emery wheels.— There are regulations governing the use of emery wheels. They must be guarded. Where wheels cannot be guarded on account of work to be done on top or at sides, tapering wheels, with concave metal plates on both sides, must be used.

Circular saws.— An effort is made to guard circular saws by hinged guards suspended over the saw. There are many devices which work well, provided no change is necessary in size of material to be cut or class of work to be done. Sometimes the riving knife is sufficient, but there are many jobs where it would be in the way. In general, guards can be, and are, used very extensively and in many classes of work absolutely insisted on.

Crowded machinery.— This point is receiving more attention than formerly. The danger is admitted, and the writer was present in one large plant when the safety inspector ordered re-spacing of machinery on account of crowding; and in another plant saw the work of re-spacing going on.

Stamping machines; presses.— Many machines very well guarded. The majority of stamping machines in Germany are so arranged as to require the operator to use both hands in operating press, thus making sure that fingers are not on the dies. Operators are prohibited putting fingers under hammer or stamp, and are provided with metal fork or pin for removing material where it is not automatically removed by action of the machine.

I was assured that the output was not affected after operator became used to the guard.

Guarding or boxing of belting.— This provision is well taken care of under the safety rules of all the Trades Associations.

Shafting, extent of guarding.— Wherever likely to cause injury, shafting must be guarded. All shafting within seven feet above floor, platform or window-sill must be fenced. Projecting set-screws must be removed and coupling belts must be properly covered.

Steam laundries.— All such establishments come under the law, whether in hotels, clubs or elsewhere.

Compensation: its effect on workers.— There is a difference of opinion. Employers contend that there is a tendency to exaggerate the seriousness of an injury, while the employees will not admit that such is the case.

Lighting.— This is regarded in Germany as a most important feature, and receives special attention. Some of the newer factories are really glass structures. The arrangements for artificial lighting are carefully considered. Dark places do not exist in German workshops or factories.

Ventilation.— Is regarded as being particularly important. There are special regulations covering the feature.

Fire escapes.— Important special rules covering this item.

Discarding old machinery, and guarding or fencing new.— There are no compulsory regulations compelling manufacturers to deliver machinery already guarded, although to-day each machine is delivered properly guarded to all parts of Germany, according to the regulations of the Trades Associations. The difficulty that such law would make lies in the commercial intercourse between nations, each of which has its special regulations, which may differ from those of Germany. (Some have none.)

For instance, when machinery is ordered for Russia, the buyer does not concern himself about safety devices, provided he gets his machinery as cheaply as possible. (I quote the exact words of a director of the Trades Associations.)

A great mistake in making laws is to be too specific as to what parts or portions of machinery should be covered or guarded. It makes it easy to avoid guarding dangerous parts not so specified.

As to the working of the German insurance system.— I am enabled through the courtesy of Mr. O. Bandke, the head of the Trades Association covering all underground construction, such as sewers, subways and tunnels, to give what, in my opinion, are typical replies to questions concerning the operation of the German insurance system.

QUESTIONS AND ANSWERS SUBMITTED TO THE E. T. A.

1. *What is your opinion of the German Accident Insurance in its present form?*

A. In principle it is all right. The accident insurance was created under the Civil Law Code of 1871, and by this code the *workgiver* was responsible only for accidents which could be proved to be his fault, whereas any accidents caused by the worker or his fellow-servant were excluded. This method brought about a very unsatisfactory condition between the employer and employee (workgiver and worktaker). The employee had to prove that the accident was due to negligence of the employer—a very difficult task, taking much time in law courts; and, on the other hand, even if the worker won his case, it was a question whether the employer was financially able to satisfy the verdict. The state of affairs created a wide gap between the workgiver and the worktaker.

Now, to stop the increase of Social Democracy, as well as to save the employee who had really spent many years in the factories from misery or poverty, an addition was made to the law, providing that the employer should be responsible for accidents other than those caused by the worker himself.

It was recognized at the outset that the expense of the operation of this law thus put on the workgiver, could not be borne by any single employer. It was obvious that where one might fail, many would succeed, and at the suggestion of the Government, the various work givers trades having more or less equal hazards were combined, thus creating the present Mutual Trades Associations. It is an admitted fact that this system is to be preferred to that of territorial divisions.

So as to weaken opposition to the Government's proposal and also that the employer should gradually be convinced of the justice of the proposed law, the various Trades Associations were given executive power in their own trades, as well as the right of fixing the accident pensions or compensation. In other words, they were given the entire management of this mutual insurance work, which, however, is always under the supervision of the Imperial Insurance Department.

Experience has proved that this system is now considered a social duty and every employer willingly comes forward with his contribution.

In the beginning it was difficult to arrange a proper table of rates covering the different hazards of occupation. Therefore, two systems were put into operation, the one, by fixing the rates beforehand and the other, by estimating and drawing a balance at the end of the year; of the two systems the latter is decidedly to be preferred.

A further improvement has arisen — that of raising the capital required for each case and investing same. The advantage is, that when the insured dies, the capital remains in the hands of the Trades Association, and the time is not far distant when no further contributions from the employers will be necessary.

2. *What alterations or changes would you suggest?*

A. With regard to the system, I have no change to suggest, but:

(1) I would like to see the scope of Accident Insurance enlarged so as to cover or protect workers not now included in the scheme, such as house servants, street sweepers, night watchmen, etc., etc.

(2) I would also suggest that the minimum scale of pensions granted should be 20 per cent. of wages.

(3) I would prefer if injured persons were immediately taken charge of by the Trades Associations, as it is done in France, in place of, as at present, the sick insurance. (Kranken-Kasse).

(4) I think that pensions should be computed from a full year's work, in place of actual earnings of the workman, who may have lost time during the year on account of shortness of work and not through any fault of his own.

Regarding paragraphs (3) and (4), I would only agree to the suggested changes, if the same or similar conditions of insurance were in force in other leading nations, so as not to place the German manufacturer at a disadvantage on account of the additional expense thus imposed.

3. *Has the German System proved satisfactory from both the humane and financial viewpoints?*

NOTE.— This, of course, if prevention methods and safety devices continue to be steadily improved.

NOTE.— Foreigners employed in Germany come under the provisions of the Trades Associations and are placed on the same level as other workmen in the various industries. Should a foreigner meet with an accident and a pension be granted, this pension is paid, even if the worker should have returned to his native country or have gone to some other foreign country.

There are distinctions made between the various nations. The subjects of friendly nations, such as are included in the Triple Alliance (Austria, Italy, and Germany), receive the regular pensions until death. After same, the family continues to benefit, whereas the subjects of other nations must be satisfied with a stated sum.

A. It has! From the business viewpoints there could not possibly be a more economical organization as one by which, with the exception of the regular staff at head office and the inspectors, all other positions (Directors, etc.), are honorary.

Should this accident insurance be taken over by the State, without doubt, the working expenses would not only be twice, but nearly four times greater than under present conditions.

Under the present system, the members of the various Trades Associations are actively engaged in looking after their own interests by seeing that the moneys for management and indemnities are only spent in accordance with the provision of the law.

The members of the Association also consider it to their own interest to see that all safety devices, which are made compulsory and standardized by the Trades Associations, are used, thus reducing the hazards of the industry. By reducing the accidents there is necessarily a reduction of contributions.

Now, when one comes to consider that by installing practical safety devices and seeing that this is properly done on one side, and on the other side, by seeing that the employees are thus saved from hardships following accidents, one cannot help but admit that a system, which perhaps originated from selfish motives, has proved to be really a humane institution.

As a proof that the various Trades Associations have conscientiously done their duty to the general satisfaction of those concerned, eighty per cent. (80 per cent.) of the cases decided have never been questioned, and of the remaining 20 per cent. which were appealed, more than one-half were rejected on account of there being no grounds for appeal, and that the officials who had decided the amounts to be paid as compensation or pension were guided by just and humane motives.

It, therefore, goes without saying that the Trades Associations give the worker his proper rights. When the worker, on appeal, has been awarded more than the amount decided on by the Trades Associations, it has largely been on account of medical evidence, judging the later possibilities of recovery, and this is always a somewhat uncertain problem. On the other hand, the Court of Arbitration expressly mentions the benevolent decisions given by the Trades Associations in many cases.

4. *Would you vote for cancellation of all German accident laws, in case of such a question being brought up?*

A. No! Quite the reverse, because, after this had been done the question would arise, what could replace the present law? It would be absolutely out of the question to countenance a condition such as obtained before the Accident Law was put into active operation. We are now quite accustomed to make good all accidents, but in the event of cancellation, the burden would once more fall on the individual employer, and this would surely bring about a return to the former disadvantageous conditions.

We would again, as formerly, have to contend with many severe and protracted law suits, which would mean physical and financial ruin to the workers. If the workman won the case after years of litigation, it would be doubtful if he would derive a financial advantage on account of the employer being unable to meet the obligation, particularly so with small operators, as they would evade payment of premiums to private insurance companies, who had undertaken the liability at a higher premium than that paid to the Trades Association.

5. *Do you believe that general compulsory insurance is absolutely unavoidable for the success of the National system?*

A. Yes! It seems to me to be the only way to handle the situation; any other way would have taken many years. This was the surest and quickest method, and I may say, that the employers gradually have come to the same thought — that it would have been a shame and degradation to humanity to have taken advantage of the labor of the workers in their best days, while sound, young and strong and able to work, for the benefit of capital, and that it would also be an immense loss to natural economy if nothing were done towards restoration of the injured, or toward the installation of devices to safeguard labor. Even to-day Germany would not be able to show the success it has done if this insurance were left to the discretion of each individual employer, instead of being compulsory on all as it is at present.

6. *Is the German worker more content in consequence of this Accident Insurance?*

A. Yes and no! Because, just so long as he has escaped injury and therefore has not experienced the benefit of the insurance or profits thereby, a direct answer will not be forthcoming. It is different perhaps with those who have suffered an accident; but also from this class an increase of those who are satisfied is not very much apparent. Complaints that the amounts paid for pensions, etc., are too low, are daily occurrences. These complaints are, to a certain degree, justified, because of the fact that the pensions are not calculated on the basis of a full year's pay but only on two-thirds of same.

The Accident Insurance meets with the greatest appreciation from the relatives of a worker who has been killed. The main cause for dissatisfaction may be found in the reason that the work-people do not look upon moneys so given as a social benevolence, but rather regard it as a right. In consequence, they expect full compensation for any loss that they may have suffered through accident.

The Imperial Court at Leipzig has given a decision that a worker, who has suffered injury, should have no compensation if such injury has occurred after he shall have passed 65 or 70 years of age. Anyhow, the various forms of insurance — sickness, accident, invalidity and old age pension — have done a great deal to minimize the distinctions and contrasts of the various classes; and if this is not always the case, the difference may be chiefly found in political conditions and in the ambition for power of the leaders of Social Democracy, who use the discontent of the working people as a weapon.

7. *Has the Accident Insurance System strengthened or weakened the labor unions?*

A. The Accident Insurance Law has not directly influenced the labor unions, anyhow, not to the extent that the Sick Insurance Law has done, and is still doing.

The interest the worker takes in the management of the Accident Insurance Law is, and must be, secondary, because he does not contribute to the expenses thereof.

It is only granted to the worker or laborer to have an equal vote in all decisions which deal with the fixing of accident and compensation on behalf of the Trades Associations.

8. *What is the social result (amongst the workers) of the German Accident Insurance and Accident Prevention System? (Sick insurance, invalidity and old age pension insurance not to be included or considered.)*

A. This question cannot possibly be answered accurately if only the accident insurance and accident prevention are to be considered. First of all, it must be taken into consideration that the main part of the social development of the laboring classes is due to the enormous development of German industry and German commerce. Of course, it must not be overlooked that this development of industry and commerce is going hand in hand with the social political jurisprudence in general and accident insurance in particular, and by which millions of workmen and their families derive advantages which conserve for the nation the power of labor.

Conservation of the productive power of a nation increases its efficiency, and this again brings about, in its turn, wealth and welfare of the nation.

I also wish to state that invalids, as a result of accidents, and those left behind are saved from hardship in the future and need not be taken charge of by the authorities for the poor, or be dependent upon the charity of the community.

Taking all in all, one may confidently state that the Accident Insurance of the working class has not only brought about material advantages, but has also contributed to the natural economical development, thus bringing about an advantage to the entire nation.

9. *Is the contribution of the worker to the sick fund of much importance in connection with the Accident Insurance?*

A. In my opinion it is not of much importance. The only importance it has is that the accident insurance is relieved of a small part of the expense. At the same time the compensations paid by the Trades Associations are much heavier than those on sick insurance, as the sick insurance only pays one-third of the daily wages, therefore, it would not be much of an additional burden if the Trades Associations would take over the sick insurance expense or handle the entire case from the beginning, as is done in France. By this procedure the discussions and differences which crop up occasionally between the sick insurance and the Trades Associations would be done away with. Furthermore, the Social Democrats would be satisfied, as they are constantly saying that the thirteen weeks' sick insurance before the Trades Association legally steps in, is an unjust burden on the worker.

Statistical investigation has proved that the contributions coming from the workers on account of sick insurance for the first thirteen weeks' treatment amounts only to 8 per cent. of the entire compensation paid by the Trades Associations and other sick insurance.

There are other reasons why this small increase should be taken over by the work-giver or employer: 1st, as a matter of principle; and 2d, the injured would be better served. The Trades Associations are in a position to give better treatment, besides the desire to restore the worker to good health, saving him for the trade, as well as keeping down the cost of compensation; whereas the sick insurance takes no further interest in the worker after the first thirteen weeks have elapsed; and, therefore, they do not spend any more money than they actually have to.

10. *Is simulation (or pretense of injury or sickness) minimized by question 9?*

A. It can hardly be expected that a contribution of 8 per cent. (mentioned in answer to question 9) by the workmen would have much effect toward minimizing simu-

lation. Anyone who would stoop to simulation for the sake of obtaining sick insurance money, or an accident pension, would take no consideration of the contribution of his fellow-workman to the sick insurance fund.

This practice of simulation can only be stopped or minimized by very close medical supervision, which can be much better done by the Trades Association than by the sick insurance officials, the latter being more easily taken advantage of.

11. *Do you advise a greater contribution from or by the workers, or do you advise the elimination of the workman's contribution entirely?*

A. If the contribution of the work-people would be accepted, then the jurisdiction and management of the Trades Associations would be entirely changed. Accident insurance, in my opinion, should be entirely in the hands of the employer; and according to Civil Code, the employer is responsible for accidents happening to his workmen.

¶ If the worker contributed to the accident fund, he would be justified in having a vote or say as to management, and in particular, with the fixing of amounts for compensation, as is now the case with the sick insurance, to which the worker contributes 8 per cent.

To bring this law into existence, it was necessary to show on the face of it that it was going to be of a benevolent and helpful character. After an existence of twenty-five years of Mutual Trades Associations the workman looks upon this institution as his right, and only the law makes the distinction between the Trades Associations on the one side and the injured on the other.

If all of the above is reasonable, it would be absolutely illogical to expect the workman to contribute to something which he now looks upon as his own without contribution.

Looking at the matter in its entirety, from either theoretical or practical view, I could not recommend any contribution on the part of the worker to the accident insurance, and this all the more after it has been made so easy and comfortable for the worktaker, without expense, to appeal against the decisions of the trades associations.

12. *Is the sharing of the Farmers (Agricultural and Forest Trades Associations) in the National System of interest to the industrial workgiver?*

A. Without a doubt it is! Particularly in a State where industrial pursuits prevail. Because, quite apart from the fact that nearly every large land-owner is also owner of some industry (such as flour mills, etc.), the industrial workmen are recruited from the ranks of farm laborers. The industrial employers, therefore, must take quite an interest in seeing that the farm laborer profits by the benefits of accident insurance, so that they are in as efficient a state as possible; thus giving both farm labor and industrial labor an equal chance.

SICKNESS FUND OR KRANKEN-KASSE.

This is a fund for giving medical aid in case of illness, or sickness, or injury, for not more than thirteen weeks. After thirteen weeks have elapsed and treatment is still necessary, the case is taken by the Trades Associations until finished one way or the other.

In many cases the Trades Associations, in fear that the workman may become an invalid, and be lost to trade, take hold of the case from the beginning. Often this method saves a pension. The men are frequently sent to sanitariums, of which there are forty-three, splendidly equipped, in various parts of country, owned by the Industrial Trades Associations, in connection with the invalidity fund. Every worker is cared for until death. The Agricultural and Forestry Trades Associations also have their sanitariums.

The effect of the insurance system on large and small employers.—The burden is equal on large or small employers. The rates are made by the Employers' Trades Associations and are the same to all members employed in any particular trade.

Improper claims and malingering.—Improper claims are made, but under the German system seem to be easily discovered. Many employers complain of malingering and the exaggeration of the seriousness of injuries. They admit, however, that this simulation is not as serious as they first thought it might be. Very little advantage can be taken of the medical authorities, and accidents causing injury to the sight or hearing can readily be adjusted, and the extent of injury can easily and accurately be determined by the medical authorities. In any case, while malingering is admitted, it is generally agreed that such fault or defect can not be presented as an argument against either accident or sickness insurance.

Elderly and physically infirm workers.—The operation of laws do not tend to restrict the employment of older workmen, or married workmen, or those with dependents. The physically infirm are taken care of by the various associations which exist for the purpose.

Unemployment.—Regarding this item in Germany, I can only quote from the report of Mr. H. J. Bruce, 3d Secretary of the British Embassy at Berlin: "Exact figures as to

the extent of unemployment throughout Germany cannot be obtained. This fact has never been more clearly demonstrated than in the two censuses of unemployed taken in Berlin during 1908 by the municipality and the Social Democratic Organization respectively. The municipality enlisted the services of 154 district teachers, who undertook to register the unemployed at certain fixed localities. The total result of the census taken on February 17, 1909, was 23,670 for Berlin with twenty-two suburbs (Berlin 19,303; suburbs 4,367).

"The municipality declined the gratuitous assistance of 24,000 organized workmen offered them by the Social Democratic Organization to make a house to house visitation. Thereupon the organization decided to make its own census. On February 13, 1909, 40,000 workmen visited the houses of all the organized workmen in Berlin and forty-four suburbs, and made a register of those out of work. The total number amounted to 101,300 (Berlin 67,367; and suburbs 33,933). This shows a discrepancy between the two censuses of 76,000—a discrepancy than can partly be explained by the fact that as the Social Democrat census took place on the thirteenth, many workmen declined to register again at the bureau of the municipality on the seventeenth. Further, under the municipal system, those out of work had to proceed to the offices to register their names. Thousands refused to do this, as they preferred using the time to find occupation at the labor exchange or elsewhere. Others knew nothing about the census. Of the 1,537 strikes that took place during 1909, 1,170 were for higher wages."

The German insurance system.—It is not claimed that the present measures are perfect. There are complaints from the insured as well as from the insurers, and it is recognized that certain provisions of the various insurance laws should be amended; still it is admitted on all sides that a great advance has been made in improving the condition of the working classes. The existing statutes in connection with this important question are looked upon as satisfactory in most respects.

The insurance authorities do not regard the work as completed and further efforts are being made to improve the general welfare of the working people, to remove all grounds of reasonable complaint and to still further improve the status now in force. A new Insurance Act has been prepared and presented to Parliament. This new measure has already passed the Upper House and has had its first reading in the Reichstag. It has been referred to a special committee and is now under discussion.

I am able to present along with this report the bill itself in one volume of 299 pages, and the discussion or reasons for its adoption in another column of 784 pages. Both volumes are in German, the writer not having the time or facilities for translation. My own impressions of the insurance system was much the same as many other things noted in Germany. It seemed to work like a well-lubricated, well-ordered machine. It may have its minor faults, but these are easily overcome.

There did not seem to be in Germany that self-conscious awakening to social responsibility noticeable in England and so marked in the various parts of the United States to-day. There has been no violent awakening, because there has been no long sleep. The chief thought in Germany seemed to me to be the conserving to the nation of all its inhabitants, to keep all in as perfect a state of health as possible, to have as few dependents as possible and to have a physically and intellectually sound nation. The Germans have long ago realized that to possess all of the above you must not count the cost. A nation sound to the core, ready to cope with all danger, is what they need and what they will have.

Nothing strikes the stranger in Germany more forcibly than the sense one has of a constant unseen force directing everything, and this is more noticeable in the insurance system than anything else. The question of prevention of accidents is paramount, safety devices are everywhere insisted on and the Inspection or Safety Department is in Germany regarded as the most important in the entire organization. After this comes the immediate care of the injured and every effort is made to conserve the worker so he will not become a burden to others or be lost to the trade and consequently the country. Inspection service in connection with the insurance system is now in existence over twenty-five years, and the results are to be noted all over the country.

Military training.—It is the general opinion that the German worker is more amenable to discipline on account of his military training, which has impressed upon him the importance of obeying orders.

APPENDIX III.

JOINT LABOR CONFERENCE ON WORKMEN'S COMPENSATION GREATER NEW YORK.

NEW YORK, February 9, 1911.

Hon. CYRUS W. PHILLIPS, *New York State Commission on Employers' Liability & Workmen's Compensation, 1 Madison Ave., New York City.*

DEAR SIR.—Enclosed you will find copy of the recommendations of the Joint Conference on Workmen's Compensation of Greater New York.

Yours very truly,

JAMES L. GERNON,

President.

Hon. CYRUS W. PHILLIPS, *Chairman Committee on Accidents, New York State Commission on Employers' Liability, etc.:*

SIR.—Pursuant to the request of your Committee, the Joint Conference on Employers' Liability and Workmen's Compensation of Greater New York prepared and issued to all trade unions of Greater New York a questionnaire relative to the causes and prevention of industrial accidents. The answers we have received to our questions confirm the conclusion to which the Joint Conference has arrived, after more than a year of study. We believe it is impracticable and almost impossible to specify in law a particular device for machines, tools and implements that may be used in all the industries, and for this reason we are of the opinion that sufficient general power should be given to the Department of Labor to secure facts and enforce remedies.

As a basis for such legislation we would recommend that all industrial accidents in all industries, public works and transportation (except those which are under the supervision of the Public Service Commission) should be reported to the Commissioner of Labor; that all such accidents and the resulting losses should be properly tabulated, and that investigations should be made of all such accidents, both to determine their cause and possible means of prevention. Each employer should be compelled to report all industrial accidents, under heavy penalty, together with the name and address of the killed or injured, the nature and extent of the injury, the wages paid the injured, the hospital to which the injured may have been taken, and such other information as the Commissioner of Labor might require. Each injured employee should be compelled to report the nature and extent of the injury in like manner. No information contained in any of the reports furnished to the Commissioner of Labor, relative to any death or injury, should be admissible as evidence in any action arising out of such death or injury.

The Commissioner of Labor should have power to order the rearrangement and proper spacing of all machinery, tools and implements used in industry, and the laying of such floors or floor coverings, as he might deem advisable or necessary in any particular industry; and he should be provided with sufficient funds to make possible thorough, practical investigations, and to enforce the installation of proper and sufficient safety devices, with a view to preventing the recurrence of accidents. He should also be enabled to have such devices properly illustrated and described for the instruction of the employers and employees in the industries to which they apply. He should have power to make such rules and regulations for industrial plants as would tend to prevent industrial accidents; and all rules or regulations made by employers relative to machinery, tools or implements, or any other regulations regarding the use of machinery, tools or implements, should be subject to his approval. He should have power to make and enforce regulations as to the transportation, storage, handling and use of dynamite and other explosives and combustibles.

7. On each machine showing an element of danger the Commissioner should enforce the posting of a notice calling attention to the fact that the machine is dangerous; such

notice should contain the name of the Commissioner of Labor, and the address of his nearest office or suboffice; and should advise all employees to notify the Department of Labor when the mechanism of any machinery, tools or implements is defective or not kept in a proper and safe condition. This notice should also apply to the transportation, storage and the using of dynamite, explosives and combustibles.

All physicians, dispensaries and hospitals should be compelled to keep full and correct records of persons applying or brought to them for treatment required as the result of an industrial accident, together with the name and address of the employer and employee, and to furnish same to the Commissioner of Labor upon request.

We are convinced that our habitual American practice of trusting to sporadic public hearings and investigations to guide us in formulating fundamentally important legislation is not only wasteful in itself, but a bar to the establishment of a permanent service, such as has been developed, for example, in connection with the German social insurance, and which is indispensable to the business-like progress of social legislation. And we believe that with adequate funds, and with equally adequate authority, the Department of Labor would prove itself competent to meet this need of a permanent center of information and guidance along the lines of your inquiry.

In view of these considerations, we venture to renew our recommendation that the liability law now being tested by the courts shall be extended as soon as practicable along the lines of the proposed Compensation Bill advocated by the Joint Conference on Workmen's Compensation last year. In the meantime we would also renew our recommendation, already of record in your minutes, viz.: "That an increased appropriation be made the State Department of Labor for the creation within said Department of a Division on the prevention of Industrial Accidents, said Division to be equipped with a Museum of Safety Devices, and, of still greater importance, with a *sufficient number of inspectors* to make the recommendations of the division effective."

We venture to offer these recommendations because of the earnest conviction that further neglect to provide machinery analogous to that which has proved so highly efficient in Germany, for the promotion of health and well being among wage workers, must work serious injury not only to the workers themselves, but also to the entire nation, whose success in the international industrial competition in which we are to-day engaged, depends primarily upon the health, strength and industrial efficiency of the workers.

JAMES L. GERNON,

President.

F. S. TOMLIN, *Secretary.*

BUFFALO, N. Y., March 22, 1911.

To the Honorable Commission on Employers Liability and Cause of Industrial Accidents:

GENTLEMEN.—We respectfully offer the following suggestions for the prevention of accidents:

First. We would recommend the abolishment of Piece Work, in the Construction of all Common Carriers. Our reasons are that work done by the piece is rushed out regardless of the danger to the Employee and the Traveling Public, by the unsafe manner in which it is constructed.

Second. We would prohibit the welding together of Driving Rods, on all Locomotives, as we deem such welded Rods unsafe to the Employee and the Traveling Public. Our Reasons are:

Third. That a Man will slight his work to accomplish the desired amount.

Fourth. If the Traveling Public knew the risks that were taken, by the inferior work done by piece work, they would insist on the abolishment of this system.

Recommended by

DISTRICT COUNCIL NO. 38, INTERNATIONAL BROTHERHOOD OF BLACKSMITHS AND HELPERS.

FRED. C. BOLARN,

Business Manager.

BUFFALO, N. Y., March 22, 1911.

Mr. J. WILLIAMS, *Commissioner of Labor*:

DEAR SIR.— We would respectfully submit the following Suggestions for the prevention of Accidents in Shops, also to the Public, the more *Rigid Enforcement of the Law*, in regard to the use of *Suction Fans* in Forge Shops, the Inspection of *Steam Hammers, Air Hammers, Drop Hammers*, also *Beam Hammers*, Cranes, Hooks, Chains and other Tools at least once a month by an *experienced Man*, preferably one that has had *actual experience* in forge shops.

We would recommend that all *Furnaces* and *Forges* have *Smoke Stacks* over same, to carry off Gas and Smoke, such stacks to lead to one Main Suction Fan, or more, as this would prevent sickness or perhaps Death. The Hoods over Scrap Furnaces and others, can be erected without the hindrance of output of work, and would be a benefit to Employer and Employee.

We would also recommend that one of the Inspectors of the Western District be a Blacksmith, to look after the Forge Shops, Steel and Iron Mills, Foundries, and Machine Shops, as he has the practical Experience of making tools and other work for these Departments, knows the quality of Iron and Steel, also Chains and other Metals, knows the Tensional Strains of materials used.

We also recommend that all Factories be inspected at least once a month, and the Inspectors visit the Factories without the previous knowledge of the Employer, so that he will be able to inspect the Factories without being escorted, so as to give him an opportunity to consult the Employees.

Recommended by

DISTRICT COUNCIL NO. 38, INTERNATIONAL BROTHERHOOD OF BLACKSMITHS AND HELPERS.

FRED. C. BOLARN,
Business Manager.

WHEREAS, The present system of Electric Line Construction in the State of New York is very dangerous; and,

WHEREAS, The said unsystemized construction has caused numerous deaths among the workmen; be it,

Resolved: That Local Union No. 20, I. B. E. W. of Greater New York go on record as desiring a Uniform Construction Law; that will give adequate protection to Linemen while at work, and also protect the lives of Pedestrians from the danger of falling wires. And to that end, we submit the following rules:

1. That the distance between pole pins on cross-arms (climbing space) be not less than 36 inches.
2. That all electric light and power lines of 600 volts or over be placed on Red Cross Arms. And all lines of less than 600 volts be placed on cross arms of different color; so that the high voltage lines may be readily distinguished.
3. That there shall be a space of at least 4 feet between high and low voltage cross arms.
4. That no telephone, telegraph or signal wires be placed on poles carrying electric light or power lines.
5. That at all crossings, telephone, telegraph or signal wires be at least 8 feet below any electric light or power wires.
6. That no brackets be placed on any pole where any cross arms are attached.
7. That all guy or stay wires shall have two strain insulators; one at either end.
8. That all ground wires leading down any pole to the ground shall have a wood or insulated covering.
9. That all transformers be placed on "T" or buck arms, and shall be at least 4 feet below cross arms carrying primary or high voltage wires.
10. That when working on lines of 600 volts or over, there be not less than (2) two men to each pole.
11. That all primary or high voltage loops be equipped with "Cut Out" device, so that each loop may be cut (dead) if necessary.
12. That all men have at least one (1) year's experience before being allowed to work on lines of 600 volts or over when current is on.
13. We are in favor of state inspection of all underground and overhead construction.

Inspectors to be practical construction men, who have had at least five (5) years' experience.

We feel that the above rules if followed, would prevent numerous accidents, which are caused by faulty construction.

March 6, 1911.

THOMAS E. MCCOY,
THOS. CRONIN,
H. G. FOLAN,

Committee.

Approved:

Local Union No. 20, I. B. E. W.

HARRISON G. FOLAN,
President.

PHILLIP REEVES,
Secretary.

PATTERN MAKERS' LEAGUE OF NORTH AMERICA, DISTRICT "B,"

ROOM 214, LAW EXCHANGE BUILDING, 52 NIAGARA STREET,

BUFFALO, N. Y., February 24, 1911.

Hon. J. MAYHEW WAINWRIGHT, *Chairman Employers' Liability Commission, State of New York:*

DEAR SIR.—The following is a statement of accidents to Pattern Makers, based on records of the Pattern Makers' Association of Buffalo and vicinity. The most dangerous machines in a Pattern shop, and the ones used the most, are the Circular Saw, Band Saw and the Surface Planer. Other machines in use in a Pattern shop are lathes, thickness or pony planers, jig saws and Core-box planers. These machines are not so dangerous, only in cases of neglect of proper care, which may loosen a bolt or screw, causing some part of the machine to fly apart, or throw your work from that machine. This very seldom happens, but is very dangerous to anyone close by in case that it should.

Each and every one of these machines that may be equipped in a Pattern shop must be used more or less by a Pattern Maker in the construction of his work, and each different machine necessary to be used on that work must be handled by the Pattern Maker.

All the serious accidents to Pattern Makers happen practically on three Machines — Circular Saw, Band Saw and Surface Planer. Our records show that 15 per cent. of Pattern Makers have crippled hands; some have lost a thumb, one finger, two fingers, three fingers, four fingers, and sometimes two or three fingers and part of the palm of the hand.

Our records show 4 per cent. have their hands so crippled that it is hard for them to follow the trade or secure a position unless they work under the prevailing rate earned by other Pattern Makers.

We, as an organization, know that a great many employers are very careful not to hire, if they can help it, any other than a man with two good hands; but they are not so careful in protecting their men from accidents by properly inspecting and safe guarding their machines, or from not hiring nothing but competent and experienced men.

From our knowledge, the cause of 95 per cent. of the accidents in the Pattern shops are from inexperienced and incompetent men being hired to do Pattern work, and trying to do that work on machines that they know nothing about; and 95 per cent. of these accidents happen in shops where the firms hire such kind of men to do their Pattern work.

Five per cent. of the accidents in Pattern shops happen in shops where none but experienced men are employed, and can be attributed to Pattern Makers not taking necessary precautions, or the machines not being properly safe guarded.

The percentage of accidents where experienced men are always employed is very small compared with the percentage of accidents where inexperienced men are employed; and whether the machines are properly safe guarded or not, the experienced man knows the danger of these machines and knows how to handle them, where the inexperienced man does not and should not be allowed the risk of crippling himself for life, until he can qualify himself as an experienced workman and capable of handling the machines used in the construction of Pattern work.

I have in mind one firm where for four years we furnished them with competent Pattern Makers from our organization. During all that time there was only one serious accident in their Pattern shop, and that an apprentice of two years' experience, who lost two fingers on the surface planer. A controversy came up; our men, 17 in all, left the shop, and our places were filled with inexperienced men—not one Pattern Maker amongst them.

And the first three months there were three accidents in that shop; one lost four fingers, the other two one finger each.

From our records and knowledge, the only way to reduce the number of accidents occurring in the Pattern shops of Buffalo and Vicinity would be a law compelling firms to hire nothing but experienced and competent Pattern Makers to do their work.

Also a law compelling a firm to place every known safety device on their different machines used in their Pattern department.

The name of the above-mentioned firm can be given if desired, and any further information that it may be possible for us to give to help you will be gladly taken care of on request for same.

Respectfully submitted by

PATTERN MAKERS' ASSOCIATION.

Business Agent, R. H. KOCH.

THE FIDELITY AND CASUALTY COMPANY OF NEW YORK.

92 LIBERTY STREET.

NEW YORK, April 3, 1911.

Hon. J. MAYHEW WAINWRIGHT, *Chairman New York Employers' Liability Commission, Metropolitan Life Building, 1 Madison Avenue, New York City:*

DEAR SIR.—Owing to pressure of business, it has been impossible for me to write to you earlier regarding amendments I have to suggest to the Factory Law for the prevention of accidents.

My feeling is that it would be wise in the first place to strengthen the Bureau of Factory Inspection by the employment of a competent mechanical engineer whose sole duty shall consist in the study of the means by which accidents may be prevented. The data he collates should then be disseminated by bulletins for the information of employers of labor, and will also be available as the basis for further legislation. The field to be covered is so vast and its details are so varied that it is hardly practicable to embody in the law explicit directions regarding all the safeguards to be provided in the various industries. It would seem better to vest the Commissioner of Labor with power to require such safeguards as in his judgment are necessary, furnish him with means to inform his judgment, as for instance, this engineer, and give him a sufficient force of inspectors to visit each factory and other works at least once a year. Merely enacting a law that proper safeguards must be provided will not prevent accidents, what is needed is the education of both employers and employees. What I am suggesting is a means of dispelling the prevailing ignorance.

A museum of safety devices would also help greatly in educating employers and workmen. As is known to you, such a museum of safety already exists at 29 West 39th street—New York City, maintained by private subscription. There is also The Industrial Safety Association, of which Professor F. R. Hutton, formerly of Columbia University, is president, which also has its headquarters at 29 West 39th Street, New York City. It may perhaps be feasible for the State to co-operate with these and utilize them much the same way as is done in the case of the Metropolitan Museum of Art, American Museum of Natural History, New York Zoological Society, etc., where the city furnishes the building and private parties the necessary funds for running expenses. For the museum of safety — probably however there should be two, one in New York City and one in Buffalo — the State might provide the buildings and at least a part of the running expenses and have a very considerable representation on the board of directors — its Commissioner of Labor, its engineer in the Bureau of Factory Inspection, the Governor, and others. My suggestion is that these museums be started in an experimental way, without undertaking any great expenditure, until the proper lines of procedure have been thoroughly worked out. Several lecturers should be attached to the museum equipped with proper lanterns and slides for giving lectures throughout the State in workshops, etc., to educate employers and workmen.

Only by securing full co-operation between employers and employees can the largest results be secured in the prevention of accidents. What is needed is carefulness in doing work as well as safeguards to prevent accidents. It may be possible for the Commissioner of Labor and the lecturers of the Museums of Safety to encourage in workshops and factories the formation of committees of the workmen to co-operate with the employer in preventing accidents.

Coming now to specific suggestions as to the law, I would suggest:

1. The enactment of a law for the operation and inspection of steam-boilers similar to the Massachusetts Act — Acts of 1907, Chapter 465. In order that there shall be no

unnecessary duplication of work and expense, the boilers inspected by insurance companies should be exempt from State inspection, the insurance companies filing their reports with the State, see sections 4, 5 and 6 of the Massachusetts Act. The Board of Boiler Rules provided for in the Massachusetts Act, formulates rules regarding the construction and operation of steam-boilers which when approved by the Governor have the force of law. One of their rules is that "The longitudinal joints of a boiler, the shell or drum of which exceeds thirty-six (36) inches in diameter, shall be of butt and double strap construction" (Part III, Section 4, paragraph 5). The purpose of this is to get away from the dangerous lap-seam cracks in future construction. This Massachusetts Boiler Act is the best that has been enacted anywhere in the United States and the rules formulated under it are worthy of the highest praise.

2. Section 79 of the Labor Law,—“Inclosure and operation of elevators and hoisting shafts; inspection.” The addition of a clause that the Commissioner of Labor may in his discretion require all elevators, freight as well as passenger, to be equipped with safety speed-governors and all their attachments. The addition of a clause that in all new elevators installed, it be required that the hoisting enclosures be completed before permission is given to use the elevators for carrying passengers.

3. Section 81 of the Labor Law,—“Protection of employees operating machinery.” The addition of the following:

In every factory, effective means to be provided for immediately disconnecting the power, so that in case of need or accident, any particular machine, group of machines room, or department, can be promptly and effectively shut down.

All power-driven machinery, all systems of electric wiring or transmission, and all vats or pans, including all receptacles containing molten metal or hot or corrosive fluids, in any factory to be located, wherever possible, so as not to be dangerous to employees, or to be properly enclosed, fenced, or otherwise protected.

No machine to be used when known to be dangerously defective.

No repairs to be made to the active mechanism or operative part of any machine when the machine is in motion.

No employee to operate or tamper with any machine or appliance with which such employee is not familiar and which is in no way connected with his employment unless it be by and with the direct or reasonably implied command, request, or direction of the master, representative, or agent.

Any passage toward which traversing carriage of any self-acting machine runs to have at least eighteen (18) inches space in the clear between the carriage and any fixed structure when the carriage is fully out.

No floor space in any factory to be overloaded with machinery or other material so as to cause serious risk or to endanger life or limb of any employee, and no load to be placed in excess of safe sustaining power of floors and walls.

Castings and other heavy material not to be piled dangerously high.

Machines not to be placed so closely together as to be a serious menace to those who must pass between them. Passageways to be of ample width and headroom and kept well lighted and free from obstructions.

No minor under sixteen (16) years of age to be required or permitted to oil or clean any part of gearing or machinery while in motion or to work between the fixed or traversing parts of any machinery while in motion.

Overhead traveling cranes to be provided with sweep brushes extending out from truck wheels.

Roll-feed machinery to be guarded.

Where in judgment of Commissioner of Labor a useful purpose will be served by so doing, the moving parts of machinery to be painted red.

Where any process is carried on which makes the floors wet, the floor to be constructed and maintained with due regard to health of employees, and gratings or dry standing rooms to be provided if practicable at points where employees are regularly stationed, and adequate means to be provided for drainage and preventing drainage or seepage to floors below.

Prohibit eating of food in rooms where it is liable to be contaminated by noxious dust, fumes, gases, or poisonous substances, such as white lead, arsenic, etc., and notices to be posted to such effect.

You have asked also that I advise you of the number of inspectors that we have making inspections for us in the State of New York at the present time. We have thirty-one.

Yours respectfully,

FRANK E. LAW,
Vice-President.

APPENDIX IV.

PUBLIC SERVICE COMMISSION, FIRST DISTRICT.

I. ACCIDENTS TO EMPLOYEES (a) OF COMMON CARRIERS, AS REPORTED TO THE BUREAU OF ACCIDENTS IN THE CALENDAR YEARS 1908, 1909 AND 1910.

	1908.	1909.	1910.
Interborough Rapid Transit.....	674	522	*752
Hudson and Manhattan.....	12	16	33
Total.....	686	538	*785
Brooklyn Rapid Transit:			
Elevated.....	310	193	189
Surface.....	1,225	1,013	1,227
Total, Brooklyn Rapid Transit.....	1,535	1,206	1,416
Surface Lines:			
Manhattan Borough.....	2,385	1,553	1,588
Bronx Borough.....	163	177	232
Brooklyn Borough (except Brooklyn Rapid Transit).....	16	97	161
Queens Borough.....	130	133	176
Richmond Borough.....	19	11	4
Total.....	2,713	1,971	2,161
Grand total — street railways.....	4,934	3,715	4,362
Fifth Avenue Coach Company.....		3	3
Staten Island steam railroads (2).....	5	4	20
Long Island R. R.....	689	774	1,018
New York Central and Hudson River R. R.....	462	736	947
New York, New Haven and Hartford R. R.....	163	196	196
Pennsylvania R. R.....		1	36
All other.....	8	8	4
Total — steam railroads.....	1,327	1,719	2,221
Grand total — all common carriers.....	6,261	5,437	6,586

* Exclusive of 297 injuries for the Rapid Transit Construction Company during the eight months of the year.

a Number killed or injured.

ACCIDENTS TO EMPLOYEES—STREET RAILWAY COMPANIES.

II. NUMBER OF EMPLOYEES AT CLOSE OF YEAR, NUMBER KILLED AND NUMBER INJURED DURING EACH OF THE YEARS ENDING JUNE 30, 1907-1910.

SYSTEM OR BOROUGH.	NUMBER OF EMPLOYEES JUNE 30				NUMBER OF EMPLOYEES KILLED				NUMBER OF EMPLOYEES INJURED ^a				Number serious injuries 1910. ^b
	1907. ^f	1908. ^c	1909.	1910. ^d	1907.	1908.	1909.	1910.	1907. ^e	1908.	1909.	1910.	
Interborough Rapid Transit.. Hudson and Manhattan.....	8,770 ^f	9,521 339	9,276 422	10,149 956	23 ^f	24	15 1	27 3	36 ^f	686 3	949 12	565 50	18 6
Total.....	8,770	9,860	9,698	11,105	23	24	16	30	36	689	961	615	24
Brooklyn R. T. Elevated.....	2,560	2,935	2,590	2,393	8	9	2	7	8	325	189	173	6
Surface, power house, car house and shops.....	7,864	10,152	9,910	8,699	8	13	7	7	8	1,674	1,067	1,033	47
Total.....	10,424	13,087	12,500	11,092	22	12	9	14	30	999	1,256	1,206	53
Surface lines in —													
Manhattan borough.....	9,595	13,161	10,730	10,503	7	16	12	8	56	221	1,994	1,612	142
Bronx borough.....	1,259	1,539	1,482	1,543	1	1	5	.....	1	189	169	203	5
Brooklyn borough (except B. R. T.).....	935	1,130	873	958	3	.....	1	.....	.....	5	56	41	4
Queens borough (except B. R. T.).....	1,029	1,002	894	1,116	1	2	3	1	6	24	17	137	8
Richmond borough.....	705	722	622	676	.....	.....	.....	.....	48	13	12	6	.....
Total.....	13,523	17,554	14,601	14,796	12	19	21	9	111	454	2,248	1,999	159
Grand total.....	32,717	40,501	36,799	36,993	57	55	46	53	177	2,142	4,465	3,820	236

^a In and after 1908, accidents are defined as injuries incapacitating employees for more than three days.

^b Serious injuries include cases of fractured skull, amputated or broken limbs, etc.

^c As completed and corrected in 1909 report.

^d Approximate number towards close of year. For a portion of the Manhattan roads the data used relate to the beginning of the year.

^e Evidently includes only serious accidents and hence not comparable with data for later years.

^f Not in operation.

^g Not shown separately.

^h Accidents for Transit Development Company (power houses, carhouses and shops and maintenance of the ways and structures division) evidently not included.

ACCIDENTS TO EMPLOYEES—STREET RAILWAYS—SELECTED COMPANIES.*

III. CAUSES OF ACCIDENTS AND NUMBER KILLED AND NUMBER INJURED YEARS ENDED JUNE 30, 1909 AND 1910.

I. EMPLOYEES KILLED.

CAUSES.		Inter- borough Rapid Transit Com- pany.	BROOKLYN RAPID TRANSIT.			Third Avenue R. R. System.
			Elev.	Surface.	Shops, power plants.†	
All causes	1909	15	2	3	4	4
	1910	27	7	3	6	2
Collisions and derailments.....	1909	.....	1	.....	.....	2
	1910	.....	2	.....	.....	.....
Struck by cars.....	1909	8	1	3	.....	2
	1910	20	3	1	.....	1
Handling traffic.....	1909	.....	.....	.....	.....	.....
	1910	.....	.....	.....	.....	.....
Boarding, alighting and falling from cars.....	1909	.....	.....	.....	.....	.....
	1910	.....	.....	1	.....	.....
Electric shock.....	1909	3	.....	.....	2	.....
	1910	1	1	.....	2	1
Handling tools, machinery, etc.....	1909	.....	.....	.....	.....	.....
	1910	.....	.....	.....	.....	.....
Handling supplies.....	1909	.....	.....	.....	.....	.....
	1910	.....	.....	.....	.....	.....
Other causes.....	1909	4	.....	.....	2	.....
	1910	6	1	1	4	.....
Number employed at close of year.....	1909	9,276	2,590	5,100	4,810	3,676
	1910	10,149	2,393	4,984	3,715	3,512

* Accidents resulting in injuries incapacitating employees for more than three days.

† Also car houses and maintenance of the ways and structures.

ACCIDENTS TO EMPLOYEES—STREET RAILWAYS—SELECTED COMPANIES.*

III. CAUSES OF ACCIDENTS AND NUMBER KILLED AND NUMBER INJURED YEARS ENDED
JUNE 30, 1909 AND 1910.—Continued.

2. EMPLOYEES INJURED.

CAUSES.		Inter- borough Rapid Transit Com- pany.	BROOKLYN RAPID TRANSIT.			Third Avenue R. R. System.
			Elev.	Surface.	Shops, power plants.†	
All causes.....	1909	949	189	587	480	545
	1910	565	173	502	531	480
Collisions and derailments.....	1909	11	1	34	.....	5
	1910	7	3	21	.....	6
Struck by cars.....	1909	41	11	45	.....	10
	1910	42	10	60	.....	.....
Handling traffic.....	1909	.....	.....	.....	1	6
	1910	.....	.....	.....	.....	6
Boarding, alighting and falling from cars.....	1909	11	25	139	.....	7
	1910	19	21	131	.....	25
Electric shock.....	1909	124	23	16	29	13
	1910	68	34	14	33	20
Handling tools, machinery, etc.....	1909	.....	.....	.....	210	122
	1910	.....	.....	.....	131	86
Handling supplies.....	1909	.....	.....	.....	.....	20
	1910	.....	.....	.....	62	30
Other causes.....	1909	762	129	353	240	362
	1910	429	105	295	305	307
Number employed at close of year.....	1909	9,276	2,590	5,100	4,810	3,676
	1910	10,149	2,393	4,984	3,715	3,512

IV. GROUPS OF OCCUPATIONS AND NUMBER KILLED AND NUMBER INJURED YEARS ENDED
JUNE 30, 1909 AND 1910.

1. EMPLOYEES KILLED.

CLASSES.		Inter- borough Rapid Transit Com- pany.	BROOKLYN RAPID TRANSIT.			Third Avenue R. R. System.
			Elev.	Surface.	Shops, power plants.	
All classes.....	1909	15	2	3	4	4
	1910	27	7	3	4	2
Motormen, conductors and trainmen.....	1909	4	1	1	.....	4
	1910	6	4	3	.....	1
Crossing tenders, flagmen and watchmen.....	1909	.....	1	2	.....	.....
	1910	2	.....	.....	.....	.....
Track and electric linemen.....	1909	9	.....	.....	2	.....
	1910	15	.....	.....	2	1
Other employees.....	1909	2	.....	.....	2	.....
	1910	4	3	.....	2	.....
Number employed at close of year.....	1909	9,276	2,590	5,100	4,810	3,676
	1910	10,149	2,393	4,984	3,715	3,512

2. EMPLOYEES INJURED.

All classes.....	1909	949	189	587	480	545
	1910	565	173	502	531	480
Motormen, conductors and trainmen.....	1909	206	158	581	.....	271
	1910	206	169	495	.....	260
Crossing tenders, flagmen and watchmen.....	1909	32	23	4	1	6
	1910	16	.....	.....	.....	3
Track and electric linemen.....	1909	188	.....	.....	187	97
	1910	188	.....	.....	174	58
Other employees.....	1909	523	8	2	292	171
	1910	155	4	7	357	159
Number employed at close of year.....	1909	9,276	2,590	5,100	4,810	3,676
	1910	10,149	2,393	4,984	3,715	3,512

* Accidents resulting in injuries incapacitating employees for more than three days.

† Also car houses and maintenance of the ways and structures.

V. SUPPLEMENTARY STATISTICS FOR COMMON CARRIERS OTHER THAN STREET RAILWAYS.

The data in Tables II-IV are for the street railways in the First District. Data for other transportation companies are given below.

In 1909 there were on the Staten Island Railway 269 employees exclusive of three general officers. Three employees were injured — one trainman and two trackmen. The trackmen were injured handling supplies; the trainman through other causes. In 1910 the number of employees was 276 (exclusive of three officers). One employee was injured in a collision.

In 1909 the Staten Island Rapid Transit Railway Company had 564 employees (exclusive of three general officers). It reported one employee killed and nine injured. The one employee killed was struck by train. The nine employees injured were trainmen. Two were killed in coupling and uncoupling trains, two in falling from trains, one in jumping on or off a train, two by overhead obstructions and two through other causes. In 1910 the employees numbered 614 (exclusive of three general officers). One employee was killed and seven injured. The one killed was a trainman as also five of those injured. The causes of injury were as follows: One injured through collision, one in coupling and uncoupling, one falling from train, four through other causes.

The Fifth Avenue Coach Company in 1909 reports 167 employees and one employee injured. For 1910, 241 employees are reported. Three were injured, none seriously.

ACCIDENTS TO EMPLOYEES—GAS AND ELECTRIC COMPANIES.*

VI. NUMBER OF EMPLOYEES (WAGE EARNERS), NUMBER KILLED AND NUMBER INJURED IN EACH OF THE YEARS ENDED DECEMBER 31, 1907 TO 1910.

	NUMBER OF WAGE EARNERS EMPLOYED AT CLOSE OF —				NUMBER KILLED				NUMBER INJURED			
	'07.	'08.	'09.	'10.	'07.	'08.	'09.	'10.	'07.	'08.	'09.	'10.
<i>Gas Companies:</i>												
Consolidated System.....	3,625	3,697	4,365	b4,372	I			3	79	173	481	1,019
Brooklyn Union System.....	1,525	1,664	1,767	2,078		I	I	I	75	162	214	272
Minor companies.....	299	241	273	290				I	5	10	5	15
Total.....	5,449	5,602	6,405	b6,740	I	I	I	5	159	345	700	1,306
<i>Gas-Electric Companies:</i>												
Gas department.....	193	238	390	410				I	3	2	15	13
Electric department.....					I	3	I		8	9	14	17
Total.....	193	238	390	410	I	3	I	I	11	11	29	30
<i>Electric Companies:</i>												
N. Y. Edison and United El.												
Light and Power.....	2,208	2,705	3,208	3,347			7	5	246	664	499	933
Edison Electric Illuminating								3	256	d332	e480	f535
(Brooklyn).....	677	813	1,075	1,273		3	I	I	10	13	13	19
Minor companies.....	873	219	9232	b208	I							
Total electric.....	2,958	3,737	4,515	b4,828	I	3	8	9	g12	d1,009	992	h1,487
All companies.....	8,600	9,577	11,310	b11,978	3	7	10	15	682	d1,365	e1,721	h2,823

* Six months.

a For 1907 and 1908 the number on December 31; for 1909, the number is for December 17, and 1910, December 18, except in a few instances where the number is as on December 31.

b Approximately. For the Astoria Light, Heat and Power, and for the Long Acre Companies, the 1909 figures are used.

c Includes 398 accidents involving no loss of time.

d Includes 159 accidents involving no loss of time.

e Includes 332 accidents involving no loss of time.

f Includes 261 accidents involving no loss of time.

g Excludes Richmond Light and Railroad Company.

h Excludes 659 accidents involving no loss of time.

i Exclusive of the two electrical subway companies.

These are not included in the supplementary tables.

ACCIDENTS TO EMPLOYEES—GAS AND ELECTRIC COMPANIES.

VII. ANALYSIS OF FATAL ACCIDENTS 1909 AND 1910.

1. GAS.

DEPARTMENT.	CONSOLIDATED GAS SYSTEM.		BROOKLYN UNION SYSTEM.		MINOR COMPANIES.		TOTAL.	
	1909.	1910.	1909.	1910.	1909.	1910.	1909.	1910.
Works.....				1	.....	.....	.....	1
Street.....		3	.....	.....	.....	.....	.....	3
Other.....			1	1	.....	1	1	2
Total.....		3	1	2	.....	1	1	6

2. ELECTRIC.

DEPARTMENT.	NEW YORK EDISON.		BROOKLYN EDISON.		MINOR COMPANIES.		TOTAL.	
	1909.	1910.	1909.	1910.	1909.	1910.	1909.	1910.
Power house.....	3	.....	.....	2	.....	.....	3	2
Line.....	1	.....	1	1	1	1	3	2
Shop.....	1	.....	.....	.....	.....	.....	1	.....
Other.....	2	5	.....	.....	.....	.....	2	5
Total.....	7	5	1	3	1	1	9	9

TOTAL, LIGHTING COMPANIES.

SYSTEM.	1909.	1910.
Consolidated Gas system (gas and electricity).....	7	8
Brooklyn systems (a).....	2	5
Minor companies.....	1	2
Total.....	10	15

(a) Brooklyn Union Gas Co. and subsidiaries and Kings County Electric Light and Power Co. and subsidiaries.

ACCIDENTS TO EMPLOYEES—GAS AND ELECTRICAL COMPANIES.

VIII. EMPLOYEES OF GAS COMPANIES* INJURED† AND DURATION OF DISABILITY, YEARS
ENDING DECEMBER 31, 1909 AND 1910.

SYSTEM.	Year.	DURATION OF DISABILITY.						Total.
		3 days or less.	4-7 days.	8-14 days.	2-4 weeks.	4-13 weeks.	13-26 weeks.	
WORKS.								
Consolidated Gas.....	1909	114	22	36	21	10	.....	203
	1910	208	58	26	41	27	1	361
Brooklyn Union.....	1909	69	18	6	5	3	1	102
	1910	80	20	15	10	1	1	127
Minor companies.....	1909	.....	.....	1	.....	.....	.....	1
	1910	3	1	1	.....	1	.....	6
Total.....	1909	183	40	43	26	13	1	306
	1910	291	79	42	51	29	2	494
STREET.								
Consolidated Gas.....	1909	55	27	23	8	3	.....	116
	1910	240	43	35	43	17	.....	378
Brooklyn Union.....	1909	54	10	11	8	.....	.....	83
	1910	66	13	12	10	1	.....	102
Minor companies.....	1909	4	.....	1	.....	.....	.....	5
	1910	.....	1	3	1	.....	.....	5
Total.....	1909	113	37	35	16	3	.....	204
	1910	306	57	50	54	18	.....	485
SHOP.								
Consolidated Gas.....	1909	74	27	28	10	2	.....	141
	1910	134	49	15	26	11	1	236
Brooklyn Union.....	1909	23	4	5	3	1	.....	36
	1910	21	3	2	2	1	.....	29
Minor companies.....	1909	.....	.....	.....	.....	.....	.....	.....
	1910	.....	.....	.....	2	2	1	5
Total.....	1909	97	31	33	13	3	.....	177
	1910	155	52	17	30	14	2	270
OTHER DEPTS.								
Consolidated Gas.....	1909	15	4	2	.....	.....	.....	21
	1910	19	14	1	7	3	.....	44
Brooklyn Union.....	1909	1	1	.....	2	3	.....	7
	1910	12	8	2	2	1	1	26
Minor companies.....	1909	.....	.....	.....	.....	.....	.....	.....
	1910	.....	.....	.....	.....	.....	.....	.....
Total.....	1909	16	5	2	2	3	.....	28
	1910	31	22	3	9	4	1	70
TOTAL—ALL DEPTS.								
Consolidated Gas.....	1909	258	80	89	39	15	.....	481
	1910	601	164	77	117	58	2	1,019
Brooklyn Union.....	1909	147	33	22	18	7	1	228
	1910	179	44	31	24	4	2	284
Minor companies.....	1909	4	.....	2	.....	.....	.....	6
	1910	3	2	4	3	3	1	16
Total.....	1909	409	113	113	57	22	1	715
	1910	783	210	112	144	65	5	1,319

*And gas departments of gas-electric companies.

†Exclusive of accidents involving no loss of time.

ACCIDENTS TO EMPLOYEES—GAS AND ELECTRICAL COMPANIES.

IX. EMPLOYEES OF ELECTRICAL COMPANIES* INJURED† AND DURATION OF DISABILITY,
YEARS ENDED DECEMBER 31, 1909 AND 1910.

SYSTEM.	Year.	DURATION OF DISABILITY.						Total.
		3 days or less.	4-7 days.	8-14 days.	2-4 weeks.	4-13 weeks.	13-26 weeks a	
POWER HOUSE.								
New York Edison and United Elec. Lt. and Pr.....	1909	58	44	43	29	19	1	194
	1910	66	40	43	30	16	3	198
Edison Electric Illg.....	1909	21	7	5	2	3	.....	38
	1910	21	8	9	5	3	b 2	48
Minor companies.....	1909	6	2	1	.....	.....	.....	9
	1910	8	4	1	.....	1	.....	14
Total.....	1909	85	53	49	31	22	1	241
	1910	95	52	53	35	20	b 5	260
LINE.								
New York Edison and United Elec. Lt. and Pr.....	1909	12	3	4	2	2	.....	23
	1910	44	3	.....	3	.....	.....	50
Edison Electric Illg.....	1909	6	4	1	1	.....	.....	12
	1910	26	3	5	2	2	c 1	39
Minor companies.....	1909	6	4	3	.....	1	.....	14
	1910	9	4	5	.....	1	.....	19
Total.....	1909	24	11	8	3	3	.....	49
	1910	79	10	10	5	3	c 1	108
SHOP.								
New York Edison and United Elec. Lt. and Pr.....	1909	7	5	9	3	3	.....	27
	1910	17	4	1	3	1	.....	26
Edison Electric Illg.....	1909	12	9	6	.....	1	c 1	29
	1910	67	17	3	6	2	b 3	98
Minor companies.....	1909	2	.....	.....	.....	.....	.....	2
	1910	1	.....	1	.....	.....	.....	2
Total.....	1909	21	14	15	3	4	c 1	58
	1910	85	21	5	9	3	b 3	126
OTHER.								
New York Edison and United Elec. Lt. and Pr.....	1909	95	54	47	43	15	c 1	255
	1910	84	53	59	40	22	3	261
Edison Electric Illg.....	1909	41	15	6	3	4	.....	69
	1910	59	13	12	4	1	.....	89
Minor companies.....	1909	.....	2	.....	.....	.....	.....	2
	1910	.....	.....	.....	.....	.....	c 1	1
Total.....	1909	136	71	53	46	19	c 1	326
	1910	143	66	71	44	23	c 4	351
TOTAL.								
New York Edison and United Elec. Lt. and Pr.....	1909	172	106	103	77	39	c 2	499
	1910	211	100	103	76	39	6	535
Edison Electric Illg.....	1909	80	35	18	6	8	c 1	148
	1910	173	41	29	17	8	d 6	274
Minor companies.....	1909	14	8	4	.....	1	.....	27
	1910	18	8	7	.....	2	c 1	36
Total.....	1909	266	149	125	83	48	e 3	674
	1910	402	149	139	93	49	f 13	845

*And electrical departments of gas-electric companies.

†Exclusive of accidents involving no loss of time.

^a Except as specified in notes.^b Includes 1 for a period of 1 year.^c Includes 1 for a period between 26 and 52 weeks.^d Includes 1 disabled for a period between 26 and 52 weeks and 2 for one year.^e Includes 2 for a period between 26 and 52 weeks.^f Includes 2 for a period between 26 and 52 weeks and 2 for one year.

PUBLIC SERVICE COMMISSION — SECOND DISTRICT.

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STEAM RAILROADS IN
THE STATE FROM JULY 1, 1908, TO JUNE 30, 1909.

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Falling from trains, engines or cars....	373	2	15	22	267	21	51	45	333
Getting on or off trains, engines or cars	497	5	139	8	190	30	129	43	458
Striking overhead or side obstructions.	102		4	5	75	5	14	10	94
Putting heads or arms out of windows, or missiles thrown in windows.....	30		11		19				30
Coupling or uncoupling.....	103		1	5	97		1	5	99
Other train accidents.....	376	1	50	10	279	42	36	53	365
Walking or being on track.....	578	5	6	82	92	247	180	334	278
Found dead on track.....	139			12		130		142	
Grade crossings of highways.....	195			6	7	180	159	86	166
Catching foot in frog or between rails..	18			3	12		2	3	14
Other track accidents.....	392		27	11	302	9	52	20	381
Derailements, broken rails*.....	16		1	1	4			1	5
Defective track.....	37				2				2
Open switches, running through switches or derails.....	47		1		10				11
Other.....	173		28	4	56		6	4	90
Collisions, head-on.....	36		55	8	39		2	8	96
Rear end.....	96		76	5	57			5	133
Side swipes.....	36			1	15			1	15
At grade crossings of railroads.....	7		1		3		2		6
Other.....	173		54		97	1	3	1	154
Failure of bridge or trestle:									
Miscellaneous.....	38			3	24	7	8	10	32
Defective equipment:									
Locomotives:									
Boilers.....	14			5	13			5	13
Brakes.....	6				2				2
Machinery.....	19				6				6
Safety appliances.....	2				2				2
Trucks.....	27				3				3
Other.....	15				10				10
Passenger cars:									
Brakes.....	4				2				2
Safety appliances.....	1				1				1
Trucks.....	7								
Freight cars:									
Brakes.....	40				9				9
Safety appliances.....	3				3				3
Trucks.....	93			4	7	2		6	7
Other.....	49				9				9
Work cars:									
Brakes.....	1								
Trucks.....	2			1	1			1	1
Other.....	1								
Electric.....	3			2	1			2	1
Total.....	3,749	13	469	198	1,716	574	645	785	2,831

* There have also occurred 221 derailments due to defective equipment resulting in death to three employees and two trespassers and injury to one employee and one trespasser. These have been counted under the main head of "defective equipment" as being the cause.

† The majority of these can not be considered as trespassers.

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STEAM RAILROADS IN
THE STATE FROM JULY 1, 1907, TO JUNE 30, 1908.

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Falling from trains, engines or cars.	329	1	8	39	249	13	19	53	276
Getting on or off trains, engines or cars	480	5	100	32	201	38	107	75	408
Striking overhead or side obstructions	127	.....	.....	13	107	2	5	15	112
Putting heads or arms out of windows, or missiles thrown in windows.....	33	.....	5	2	27	.....	.....	2	32
Coupling or uncoupling.....	117	.....	.....	16	101	.....	.....	16	101
Other train accidents.....	26	.....	5	1	18	.....	2	1	25
Walking or being on track.....	592	2	4	127	134	217	136	346	274
Found dead on track.....	174	1	.....	27	.....	146	.....	174	.....
Grade crossings of highways.....	166	.....	.....	4	3	†66	†150	70	133
Catching foot in frog or between rails	22	.....	8	.....	14	.....	.....	.....	22
Other track accidents.....	14	.....	1	.....	10	1	2	1	13
Derailments, broken rails*.....	25	.....	1	2	4	.....	.....	2	5
Defective track.....	82	.....	6	1	6	.....	.....	1	12
Open switches, running through switches or derails.....	82	.....	2	1	32	.....	1	1	35
Other.....	154	.....	10	8	41	.....	1	8	52
Collisions, head-on.....	46	.....	45	5	56	1	.....	6	101
Rear-end.....	181	.....	75	9	80	1	2	10	157
Side swipes.....	101	.....	9	7	35	.....	.....	7	44
At grade crossings of railroads.....	24	.....	.....	3	8	.....	1	3	9
Other.....	98	.....	33	4	60	1	2	5	95
Defective equipment:									
Locomotives:									
Boilers.....	23	.....	.....	5	24	.....	.....	5	24
Brakes.....	11	.....	.....	.....	3	.....	.....	.....	3
Machinery.....	17	.....	.....	.....	5	.....	.....	.....	5
Trucks.....	23	.....	6	.....	1	.....	.....	.....	7
Other.....	3	.....	.....	.....	3	.....	.....	.....	3
Passenger cars:									
Trucks.....	2	.....	.....	.....	.....	.....	.....	.....	.....
Other.....	1	.....	10	.....	.....	.....	.....	.....	10
Freight cars:									
Brakes.....	57	.....	.....	2	13	.....	1	2	14
Safety appliances.....	1	.....	.....	.....	1	.....	.....	.....	1
Trucks.....	128	.....	20	.....	7	.....	.....	.....	27
Other.....	48	.....	.....	.....	4	.....	2	.....	6
Electric zone.....	7	.....	.....	1	6	.....	.....	1	6
Total.....	3,194	9	348	309	1,253	486	411	804	2,012

* There have also occurred 255 derailments due to defective equipment resulting in the death of 1 employee, injury to 42 passengers, 26 employees and 1 trespasser. These accidents have been counted under the main head of "defective equipment," as being the cause.

† The majority of these persons cannot be considered as trespassers.

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STEAM RAILROADS IN
THE STATE FROM JULY 1, 1909, TO JUNE 30, 1910.

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Falling from trains, engines or cars.....	428	4	23	27	327	9	48	40	398
Getting on or off trains, engines or cars.....	804	6	262	10	360	34	139	50	761
Striking overhead or side obstructions.	126	.....	4	5	105	4	7	9	116
Putting heads or arms out of windows, or missiles thrown in windows.....	41	.....	32	1	16	.....	1	1	49
Coupling or uncoupling.....	145	.....	1	9	139	.....	2	9	142
Other train accidents.....	503	.....	84	2	290	2	42	4	416
Walking or being on track.....	688	3	14	116	152	251	173	370	339
Found dead on track.....	130	.....	.....	15	.....	117	.....	132	.....
Grade crossings of highways.....	274	2	2	3	11	194	193	99	206
Catching foot in frog or between rails.	9	.....	1	1	6	.....	1	1	8
Other track accidents.....	846	.....	63	19	637	9	130	28	830
*Derailments, broken rails.....	17	1	51	.....	3	.....	.....	1	54
Defective track.....	30	.....	.....	.....	2	.....	.....	.....	2
Open switches; running through switches or derails.....	81	.....	19	3	14	.....	2	3	35
Other.....	195	.....	26	6	42	.....	8	6	76
Collisions, head-on.....	28	3	34	.....	35	.....	.....	3	69
Rear-end.....	74	1	103	3	54	.....	.....	4	157
Side swipes.....	36	.....	23	3	25	.....	6	3	54
At grade crossings of railroads.....	8	.....	.....	.....	.....	1	1	1	1
Other.....	319	.....	62	13	140	.....	7	13	209
Failure of bridge or trestle — Miscellaneous.....	37	.....	4	.....	21	6	11	5	36
Defective equipment:									
Locomotives:									
Boilers.....	70	.....	.....	6	79	.....	.....	6	79
Brakes.....	15	.....	10	.....	4	.....	1	.....	15
Machinery.....	15	.....	10	.....	4	.....	1	.....	15
Safety appliances.....	4	.....	.....	.....	4	.....	.....	.....	4
Trucks.....	41	.....	.....	.....	4	.....	.....	.....	4
Other.....	12	.....	.....	.....	.....	.....	.....	.....	.....
Passenger cars:									
Brakes.....	3	.....	10	.....	2	.....	.....	.....	12
Trucks.....	5	.....	.....	.....	1	.....	.....	.....	1
Other.....	6	1	3	.....	2	.....	.....	1	5
Freight cars:									
Brakes.....	123	.....	6	2	24	.....	.....	2	30
Safety appliances.....	17	.....	.....	.....	17	.....	.....	.....	17
Trucks.....	171	.....	.....	.....	7	.....	.....	.....	7
Other.....	57	.....	1	.....	16	.....	2	.....	19
Work cars.....	2	.....	.....	.....	1	.....	.....	.....	1
Brake.....	1	.....	.....	.....	2	.....	.....	.....	2
Electric.....	10	.....	.....	2	9	.....	.....	2	9
Total.....	5,371	21	848	246	2,555	527	775	793	4,178

* There have also occurred 378 derailments due to defective equipment resulting in the death of three employees and injury to 48 passengers, 35 employees and 6 trespassers. These have been counted under the main head of "Defective Equipment," as being the cause.

† The majority of these cannot be considered as trespassers.

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STREET RAILROADS IN
THE STATE FROM JULY 1, 1909, TO JUNE 30, 1910.

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Falling from cars.....	43	3	26	3	8	1	5	7	39
Getting off or on cars.....	221	5	61	1	2	1	53	6	216
Striking overhead or side obstructions.	16	1	5		9	1	1	2	15
Putting heads or arms out of windows or missiles thrown in windows.....	2		2						2
Coupling or uncoupling cars.....	1			1					1
Other car accidents.....	25	2	39		4			2	43
Walking or being on track.....	413		4		9	72	376	72	389
Grade crossings of highways.....	173		4		2	†21	†181	21	187
Other track accidents.....	93		3	3	12	2	75	5	90
*Derailments, broken rails; defective track.....	3		3						3
Open switches; running through switches or derails.....	20		13		1				14
Other.....	39	2	75	1	4		1	3	80
Collisions, head-on.....	29		86		14				100
Rear-end.....	104		238	1	17		2	1	257
Side swipes.....	27		14		7				21
At grade crossing of railroads.....	13		17	1	1			1	18
Other.....	54		25		2				27
Defective equipment:									
Passenger cars:									
Brakes.....	4		3		2				5
Trucks.....	5		2						2
Other.....	2		1						1
Work cars:									
Brakes.....	1				1				1
Other.....	1				1				1
Third rail.....	1					1		1	
Trolley, feed wire, controller, catenary, guards.....	16		5	1	1		4	1	10
Total.....	1,306	13	726	11	97	99	698	122	1,521

* There have also occurred ten derailments due to defective equipment resulting in injury to fourteen passengers and two employees. These have been counted under the main head of "Defective Equipment," as being the cause.

† The majority of these cannot be considered as trespassers.

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STREET RAILROADS IN
THE STATE FROM JULY 1, 1908 TO JUNE 30, 1909.

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Falling from cars.....	32	1	25		5		1	1	31
Getting on or off cars.....	221	1	147		19	5	40	6	206
Striking overhead or side obstructions.	10		3		2		3		8
Putting heads or arms out of windows, or missiles thrown in windows.....	3		2		1				3
Coupling or uncoupling cars.....	3			1	1		1	1	2
Other car accidents.....	28	1	28	2	9			3	37
Walking or being on track.....	321	1	10	3	6	50	288	54	304
Found dead on track.....	2		1			1		1	1
Grade crossing of highways.....	106		7			†9	†111	9	118
Other track accidents.....	84		9		19	1	64	1	92
Derailments, broken rails*.....	2				2				2
Defective track.....	1		3						3
Open switches; running through switches or derails.....	14		20				3		23
Other.....	42		100	2	9		1	2	110

* There have also occurred five derailments due to defective equipment resulting in injury to three passengers which have been counted under the main head of "defective equipment" as being the cause.

† The majority of these cannot be considered as trespassers.

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STREET RAILROADS IN
THE STATE FROM JULY 1, 1908 TO JUNE 30, 1909. — *Continued.*

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions, head-on.....	26	.....	50	1	6	.....	2	1	58
Rear-end.....	32	.....	100	1	10	.....	1	1	111
Side swipes.....	12	.....	20	.....	.....	.....	7	.....	27
At grade crossing of railroads.....	3	.....	3	.....	.....	.....	.....	.....	3
Other.....	7	.....	.....	.....	1	.....	.....	.....	1
Failure of bridge or trestle:									
Other.....	1	.....	.....	.....	.....	.....	1	.....	1
Defective equipment:									
Passenger cars:									
Brakes.....	3	.....	10	.....	.....	.....	.....	.....	10
Trucks.....	4	.....	4	.....	.....	.....	.....	.....	4
Other.....	2	.....	1	.....	.....	.....	.....	.....	1
Work cars:									
Other.....	1	.....	3	.....	1	.....	.....	.....	4
Third rail.....	1	.....	.....	1	.....	.....	.....	1	.....
Trolley, feed wire, controller, catenary, guards.....	42	.....	5	1	9	.....	9	1	23
Total.....	1,003	4	551	12	100	66	532	82	1,183

STATEMENT OF ACCIDENTS AND CASUALTIES TO PERSONS ON ALL STREET RAILROADS IN
THE STATE FROM JULY 1, 1907 TO JUNE 30, 1908.

CLASSIFICATION OF ACCIDENTS.	Number of accidents occurring.	CASUALTIES.							
		PASSENGERS.		EMPLOYEES.		TRESPASSERS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Falling from cars.....	35	1	20	1	9	.....	3	2	32
Getting on or off cars.....	200	.....	147	.....	2	.....	24	.....	173
Striking overhead or side obstructions.	14	.....	8	.....	5	.....	2	.....	15
Putting heads or arms out of windows, or missiles thrown in windows.....	3	.....	1	.....	2	.....	.....	.....	3
Coupling or uncoupling cars.....	5	.....	.....	2	2	.....	2	2	4
Other train accidents.....	18	1	18	.....	2	2	3	3	23
Walking or being on track.....	369	1	17	1	10	67	259	69	286
Found dead on track.....	2	.....	.....	.....	.....	2	.....	2	.....
Crossing at highways.....	101	.....	3	.....	1	14	187	14	91
Catching foot in frog or between rails.	1	.....	.....	.....	1	.....	.....	.....	1
Other car accidents.....	33	.....	2	1	10	1	18	2	30
Derailments, broken rails*.....	1	.....	4	.....	1	.....	.....	.....	5
Defective track.....	6	.....	8	.....	2	.....	.....	.....	10
Open switches; running through switches or derails.....	41	.....	16	.....	2	.....	2	.....	20
Other.....	56	.....	37	.....	3	2	11	2	51
Collisions, head-on.....	22	.....	81	4	19	.....	2	4	102
Rear-end.....	93	3	147	.....	19	.....	.....	3	166
Side swipes.....	5	.....	9	.....	1	.....	.....	.....	10
At grade crossings of railroads.....	19	.....	13	.....	1	.....	.....	.....	14
Other.....	15	.....	14	.....	1	.....	1	.....	16
Failure of bridge or trestle:									
Other.....	2	.....	1	.....	.....	.....	1	.....	2
Defective equipment:									
Passenger cars:									
Brakes.....	4	.....	4	.....	3	.....	.....	.....	7
Trucks.....	10	.....	5	.....	.....	.....	2	.....	7
Other.....	3	.....	4	.....	.....	.....	.....	.....	4
Express cars:									
Brakes.....	2	.....	.....	.....	.....	.....	.....	.....	.....
Third rail.....	4	.....	.....	.....	3	1	.....	1	3
Trolley, feed wire, controller, catenary, guards.....	101	.....	34	1	6	.....	9	1	49
Total.....	1,165	6	593	10	105	89	426	105	1,124

* There have also occurred thirteen derailments due to defective equipment resulting in injury to seventeen passengers, four employees and one trespasser. These have been counted under the main head of "defective equipment" as being the cause.

† The majority of these cannot be considered as trespassers.

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION
SECOND DISTRICT

ALBANY, December 28, 1910.

To all Electric Traction Corporations, Electric Light Corporations, Telegraph Corporations, and Telephone Corporations doing business in the Second Public Service District, State of New York:

GENTLEMEN:— You are respectfully requested to fill in the inclosed blank and return same to this office on or before January 23, 1911.

The character of the accidents reported by the corporations operating electric lines makes it advisable that an investigation be had, with the object of making provision where practicable for the added security of the public and of your employees.

The purpose of the report herein is to obtain preliminary information relating particularly, as you will note, to overhead wires.

Your co-operation in the matter is solicited.

Yours very truly,

J. S. KENNEDY,
Secretary.

TABLE SHOWING NUMBER OF FATAL AND NON-FATAL ACCIDENTS WHICH HAVE OCCURRED FROM ELECTRICITY ON DISTRIBUTION SYSTEMS OF LIGHT, HEAT AND POWER COMPANIES FROM DECEMBER 18, 1907 TO DECEMBER 3, 1910.

CHARACTER OF ACCIDENTS.	EMPLOYEES.		NON-TRESPASSERS.		TRESPASSERS.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
By coming in contact with wire on poles owned by one company..	15	8	.....	.....	15	2
By wire on poles used jointly by two or more companies.	4	1	6	3	.....	.....
By broken or defective wire.....	3	.....	10	10	2	.....
Miscellaneous.....	.....	.....	3	1	.....	.....
Total.....	22	9	19	14	17	2
					Killed.	Injured.
Grand total.....					58	25

APPENDIX V.

ROCHESTER RAILWAY AND LIGHT COMPANY.

ROCHESTER, N. Y., January 23, 1911.

CYRUS W. PHILLIPS, *Chairman Committee on Causes of Industrial Accidents, 713 Insurance Building, Rochester, N. Y.:*

DEAR SIR:— I have your favor of January 19, 1911, and will reply to your various inquiries seriatim.

1. In modern factory layout the drive is now quite commonly made by means of individual electric motors attached directly to the large machines, these motors being very often built into the machines as an integral part of them. In cases where the use of individual motors for each machine would involve a large number of very small motors, it is quite common to group a number of machines, driving them by a group motor, at the same time eliminating a great deal of belting and shafting. This arrangement permits the location of the motor on the ceiling or side wall, obviating a great deal of the danger. Almost any modern factory or machine shop of any appreciable size would be designed with one or the other of these systems of electrical drive.

2. A very large number of the older factories are being re-equipped so as to do away with shafting and belting, with the substitution of electric motor drive, either from a private power plant or from a central station supply. These changes are being made primarily on economic grounds, as will be explained later.

3. This change in the method of drive is likely to apply still more strongly in future development as the cost of coal goes up, or as the development of the electric art makes electric motors and wiring cheaper. The first of these price tendencies needs no discussion. The second one is one that is sure to prevail in view of the comparative infancy of the electric art. On the other hand, belting and shafting drive is not likely to become cheaper in the future, since manufacturing processes in these lines have reached so stable a condition that costs are very well known, and the processes of manufacture are so well perfected that but little improvement can be expected.

4. It is impossible to give offhand figures that will show the comparative cost of the two systems of drive. In a very simple manufacturing establishment, driving but few machines — one, by the way, which it would be very easy to lay out with reference to hazard to workmen — it might be that the shafting and belting, with the attendant pulleys and bearings, would be cheaper in first cost than electric drive. On the other hand, the electric drive would be the cheaper in initial investment in any plant which would otherwise require a complicated mechanical equipment. The main economic justification for motor drive lies in the operating conditions. In our experience in the investigation of over three hundred industrial plants we have found very few cases where less than 30 per cent. of the energy developed at the engine was lost in shafting and belting, and it is not uncommon to find plants where more than half the energy is lost before getting to the machine. Again, with an extensive system of mechanical drive it is necessary to put up much heavier building construction, not only to carry the dead weight of the shafting and belting, but to carry the strains due to the belt pull. I have seen establishments where with heavy slow-running belts these strains were big enough to actually draw the building out of shape. Another feature which is inducing people to use motor drive is the fact that it is possible to operate any department nights or holidays, or to operate one or two machines in any department without having a very extensive system of shafting and belting in motion and consuming energy. The cost of maintaining bearings in good shape works in favor of the motor drive, as does also the cost of renewal of the belting, which requires a degree of expertness not often found in factory operatives. In a great many industries, notably the textile processes, the finer woodworking establishments, button-making, lens-grinding, et cetera, it is found that uniformity of speed in the driven machines is absolutely necessary to avoid the production of an inferior product. With mechanical drive it is practically impossible to avoid a slipping of the belts, which slip varies in degree from time to time as the load, weather conditions, et cetera, change. This results in the production of a large number of "seconds," with a material loss to the manufacturer. Fires, due to the friction of moving belts on woodwork and other combustibles, are not at all an uncommon occurrence,

Taking these factors into account, it may be said that in general the economic advantages are almost uniformly in favor of motor drive, even leaving the life hazard out of the question.

One of the greatest economic advantages in the use of electric motor drive is that with the electric motor it is possible to get an adjustment of the speed of each individual machine which will enable the operator in a second's time to vary the operating speed of his machine from full speed down to one-sixth of the full speed by simply turning a small handle on the control apparatus. This manufacturing advantage may be illustrated by machine shop work where, in the case of a lathe, for instance, it is desirable to have the cutting speed of the tool at all times the maximum suited to the material and nature of the work being done. The machinist facing a large disc would operate his lathe at a low rotative speed when working near the circumference of the disc, and naturally at a higher rotative speed when working at or near the center. If, as the tool progresses from the outside to the center of the piece, he can continuously and gradually increase the rotative speed without shutting down his machine, by merely turning a rheostat handle, he can accomplish work of a much more uniform quality and much more rapidly than were he constrained to the use of the old-fashioned step cone pulley, where it is necessary to shift a belt from step to step as the work progresses, shutting down the lathe to make the shift, and throughout each step run either above or below the best speed at all points in the operation but one. The elimination of this belt-shifting is in itself a great saving of danger. There have been many cases where a man in attempting to shift a belt by hand, or with a shifter, has had his hand caught in the pulleys, or has had the shifter pulled from his hand with unpleasant results.

The installation of motor drive *with modern wiring systems* introduces no element of hazard whatever. The wires are carried from the power house to the motor in steel pipes or conduit, with no exposed electrical parts even at the control apparatus.

I trust that the above will give you some of the information that you wish. I should be very glad indeed to work out more detailed information for you, and will ask some of the members of our staff to get together a few illustrations of the various points brought up. I should be pleased to have you command my services further if I can be of any use to you.

Very truly yours,

JOHN C. PARKER,
Mechanical and Electrical Engineer.

APPENDIX VI.
PARTICULARS OF FATAL ACCIDENTS FOR YEAR OCTOBER 1, 1908-SEPTEMBER 30, 1909.

INDUSTRY AND OCCUPATION.	Age.	Sex.	Marital condition.	Particulars.
I. MINERAL PRODUCTS.				
1. STONE.				
Foreman — crushed stone plant.....	40	Male.....	Married.....	Caught in gearing of stone crusher and terribly injured; leg and chest crushed and back injured. Eyebolt at head of derrick broke allowing boom to fall; deceased was struck on head and almost instantly killed.
Laborer — crushed stone plant.....	ca 30	Male.....	Married.....	
Stone cutter — monumental works.....	23	Male.....	Single.....	Deceased attempted to move 4,000 pound stone which fell, crushing him beneath it; fracture of skull, leg and arm; died in few hours.
Laborer — quarry.....	22	Male.....	Married.....	Crushed beneath falling bank of earth; so seriously injured as to cause death in ten minutes.
Laborer — quarry.....	31	Male.....	Married.....	Struck on back by stone which fell from upper part of quarry; internal injuries caused death in three days.
Superintendent — quarry.....	48	Male.....	Married.....	Guy wire pulled loose from anchor which caused derrick to fall, striking deceased; death resulted in few hours.
Laborer — quarry.....	23	Male.....	Single.....	Guy wire pulled loose from anchor which caused derrick to fall, striking deceased; killed instantly.
Laborer — quarry.....	45	Male.....	Married.....	While blasting, deceased was struck on chest by rock and killed.
Fireman — quarry.....	56	Male.....	Single.....	While deceased was ascending ladder, it broke and he fell to bottom of pit, and was struck by falling ladder; neck broken; died one-half hour later.
Stone cutter — quarry.....	43	Male.....	Married.....	Stone fell from bank, striking deceased on head; fractured skull; resulted in death six days later.
Foreman — quarry.....	39	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Fireman — quarry.....	32	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Blacksmith — quarry.....	27	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Dynamite expert — quarry.....	.....	Male.....	Married.....	Premature explosion of dynamite caused instant death.
General manager — quarry.....	32	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Master mechanic — quarry.....	35	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Laborers — quarry (12 men).....	6	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Superintendent — quarry.....	21	Male.....	Single.....	Premature explosion of dynamite caused instant death.
Superintendent's assistant — quarry.....	37	Male.....	Married.....	Premature explosion of dynamite caused instant death.
Blaster — trap rock quarry.....	32	Male.....	Married.....	Premature explosion of dynamite caused instant death; body badly mangled.
Blaster's helper — trap rock quarry.....	31	Male.....	Married.....	Premature explosion of dynamite caused instant death; body badly mangled.
Driller — trap rock quarry.....	33	Male.....	Married.....	Slipped from ledge to floor of quarry; fracture of skull caused death within an hour.
Driller's helper — trap rock quarry.....	23	Male.....	Single.....	While moving drilling machine, it fell over against high tension electric wire; "man killed."
Laborer — trap rock quarry.....	28	Male.....	Single.....	Deceased attempted to move stone from pile of sand when pile slipped crushing him beneath it; skull and jaw fractured causing instant death.
2. MISCELLANEOUS MINERAL PRODUCTS.				
Laborer — asbestos plant.....	22	Male.....	Single.....	While mixing varnish and benzine, the mixture exploded and deceased was covered with the varnish and very badly burned over entire body; death resulting in five days.
Laborer — graphite mine.....	49	Male.....	Married.....	Terribly injured by explosion of dynamite; death resulted later.

Workman — mica mill.....	37	Male.....	Married.....	Deceased was at work at emery wheel when it burst and he was struck on head by flying parts; "can live but few hours."
Laborer — talc mill.....	50	Male.....	Married.....	While loading truck, deceased was fatally injured; skull fractured and internal injuries caused death six days later.
3. LIME, CEMENT AND PLASTER.				
Pump operator — gypsum mine.....	30	Male.....	Married.....	Death supposed to have been due to inhalation of poisonous gases, as strong odor of gas was present in shaft where body was found.
Timberman — gypsum mine.....	35	Male.....	Married.....	"Fall of roof; death."
Foreman — cement plant.....	24	Male.....	Single.....	Helping to place new roller under kiln which had been blocked up; kiln rolled over crushing him between it and wall; killed instantly.
Laborer — cement plant.....	25	Male.....	Single.....	Caught in screw conveyor and horribly mangled; death occurred in few minutes.
Laborer — cement plant.....	40	Male.....	Married.....	While shoveling gravel, bank fell in and crushed him beneath it; internal injuries caused death in short time.
Laborer — cement plant.....	26	Male.....	Single.....	Caught in slide of pile of pulverized limestone and suffocated.
Laborer — cement plant.....	ca 45	Male.....	Married.....	While "hoeing" cement from pile, the pile slid and drove point of hoe against abdomen; death occurred following day.
Oiler — cement plant.....	45	Male.....	Single.....	While oiling machinery, jumper caught on line shaft and he was thrown around shaft; arm broken and torn off; neck broken; lived only few minutes.
Laborer — flux quarry.....	22	Male.....	Single.....	"Premature discharge of block hole blast;" fracture of skull and lacerated hand; death ensued five days later.
Laborer — limestone quarry.....	40	Male.....	Married.....	While deceased was breaking stone with sledge hammer explosion occurred; cause unknown; leg blown off and otherwise injured; death resulted.
Laborer — limestone quarry.....	25	Male.....	Married.....	Clothing caught in shafting and deceased was whirled around same; "death caused instantly by broken neck."
Night watchman — limestone quarry.....	70	Male.....	Married.....	"Probably stumbled and fell, fracturing thigh bone; died one week later."
Laborer — plaster, brick, etc., plant.....	22	Male.....	Married.....	"Found dead on roof of plant; death probably caused by coming in contact with shaft."
Laborer — sand and gravel plant.....	36	Male.....	Married.....	Buried beneath slide of sand; "killed."
Foreman — sand and gravel plant.....	25	Male.....	Single.....	While deceased was leaning against railing on platform, it gave way and he fell to ground (20 ft.), striking head; "fractured skull; died same day."
4. BRICK, TILE AND POTTERY.				
Brickmaker — brick yard.....	56	Male.....	Married.....	Struck on head by falling earth and fatally injured, death occurring following day.
Laborer — brick yard.....	23	Male.....	Single.....	While loading cart at sand bank, bank caved in, crushing deceased beneath it; death resulted few minutes after rescue.
II. METALS, MACHINERY AND CONVEYANCES.				
2. COPPER, LEAD, ZINC, ETC.				
Carpenter and millwright—brass and copper mill.....	ca 65	Male.....	Married.....	Chain used to lower heater broke; deceased was struck by falling heater; head crushed; lived only few minutes.
Oiler—brass and copper mill.....	46	Male.....	Married.....	While oiling shafting, deceased fell to floor (ca 25 feet); "broken collar bone and fracture at base of skull;" died without regaining consciousness.
Laborer—copper refining plant.....	52	Male.....	Married.....	Deceased was in pit of elevator well oiling machinery when he was struck by wheelbarrow which fell from top floor; skull crushed, causing almost instant death.
3. IRON AND STEEL PRODUCTS.				
a-c. Blast furnaces, rolling mills, steel works and iron mines.....				
Blaster.....	29	Male.....	Married.....	Ore (2½ tons) fell from roof of mine (45 feet above), striking deceased and killing him instantly.
Bricklayer.....	30	Male.....	Single.....	While cleaning around highly charged electrical switches, accidentally touched same and was killed instantly.

a Exact age unknown, although over 18 years.

PARTICULARS OF FATAL ACCIDENTS FOR YEAR OCTOBER 1, 1908-SEPTEMBER 30, 1909 — (Continued).

INDUSTRY AND OCCUPATION.	Age.	Sex.	Marital condition.	Particulars.
II. METALS, MACHINERY AND CONVEYANCE.—Continued.				
Crane operator.....	28	Male.....	Married.....	"While going for water, slipped and fell to slag pit below; compound fracture of skull; died same evening."
Laborer.....	40	Male.....	Married.....	While unloading stone with hoisting bucket, was caught between bucket and car; "lacerated groin and severe squeeze of abdomen" caused death same day.
Laborer.....	22	Male.....	Single.....	Exact cause of injury unknown; found back of boiler badly burned on face, wrist and legs; death resulted later at hospital.
Laborer.....	39	Male.....	Married.....	Deceased was working between two cars, one of which was struck by crane, and he was crushed; three ribs broken and lung punctured; death resulted three hours after accident.
Laborer.....	26	Male.....	Married.....	"Fell into ore bin and was crushed by ore; suffocated."
Laborer.....	32	Male.....	Married.....	Deceased "was poking ore to make it run down in bin, fell down with it and was smothered."
Laborer.....	41	Male.....	Married.....	Found dead; evidently had been run over by "cars on coke run;" right side of chest crushed, arm amputated, skull and other bones crushed.
Machine operator.....	19	Male.....	Married.....	Struck by ore falling from roof of mine; "five ribs fractured, also neck; rupture of stomach and general mangling of body; killed outright."
Machinist.....	28	Male.....	Married.....	Crushed to death beneath ore unloader, which extended over dock, and was struck and wrecked by boat as it left dock.
Millwright.....	42	Male.....	Married.....	While tightening nut on platform, the slipping of wrench caused him to fall from platform; compound fracture of vault of skull caused death same day.
Mucker.....	39	Male.....	Married.....	Struck by "chunk which fell from roof" of mine; fracture of leg, lacerated wound of scalp, fracture of pelvis bones with internal injuries; death ensued two days subsequently.
Mucker.....	33	Male.....	Single.....	Run over by skip car; chest crushed, causing instant death.
Oilier.....	33	Male.....	Married.....	Crushed to death beneath ore unloader, which extends over dock, and was struck and wrecked by boat leaving dock.
Rollman.....	46	Male.....	Married.....	Struck on head by buckle on belt; compound complicated fracture of skull with severe cerebral hemorrhage caused death.
Scrapman.....	22	Male.....	Single.....	Struck by coke car; fracture of skull caused death six days subsequently.
Shear operator.....	32	Male.....	Married.....	Deceased was "standing beside conveying table trying to pry hot bar which was being rolled; when bar was started by operator the bar he was using gave way, causing him to fall about four feet;" force of fall great on account of pressure on bar; neck broken, causing almost instant death.
Sweeper.....	18	Male.....	Single.....	Caught in pulley and whirled around shafting, striking side of building; breast bone and three ribs fractured, also injured internally; death occurred within few minutes.
Switchman.....	27	Male.....	Married.....	"Standing near gondola when iron dump car passed along and caught him between gondola and car; chest crushed in; killed instantly."
Switchman.....	32	Male.....	Married.....	Attempted to make coupling between two kettles with iron bar, bar overbalanced and he fell across track and was struck by falling bar and wheels of car; side crushed in with fatal result following day.
Switchman.....	24	Male.....	Married.....	Struck by train in yard of plant; found by side of track with head completely severed and several feet from body.

Trainman.....	Married.....	Male.....	44	Shoveling ore at foot of pillar when chunk of ore fell upon him; head, back and legs fractured: death ensued.
Not an employee.....	Single.....	Male.....	20	Supposed to have been struck by train of cars in yard of plant; found dead with chest and shoulders crushed.
3 d-n. <i>Foundries and machine shops.</i>				
Elevator operator.....	Married.....	Male.....	47	Elevator stopped between floors; deceased attempted to climb out, when it suddenly started and crushed him between floor of building and guard of elevator; "fractured ribs on side, front and back;" died three days later.
Engineer.....	Married.....	Male.....	ca 45	Was caught in flywheel of engine; arm fractured and mangled between shoulder and elbow; death resulted eight days later at hospital.
Foreman.....	Married.....	Male.....	51	While superintending shifting of sectional roof trusses, one fell, crushing him beneath it with fatal result.
Foreman.....	Married.....	Male.....	40	Sleeve caught in shafting and deceased was thrown over shaft into coal pit; cut on forehead, also deep cut under arm extending nearly around arm, bruises on arm; death followed from shock same day.
Foreman's assistant.....	Married.....	Male.....	33	Directing loading of car with beams and channels, when skid was moved and beams fell upon him; fractured leg; death resulted five days later.
Foundryman.....	Married.....	Male.....	38	While moving flask with crane, brake slipped and flask fell five feet to ground; "arm, leg and body crushed; death occurred shortly after removal to hospital."
Molder's helper.....	Single.....	Male.....	25	Deceased was moving pattern with crane, arm of crane slipped and pattern fell upon his foot crushing it badly; blood poison developed, causing death from lockjaw within few days.
Laborer.....	Married.....	Male.....	23	Fell from runway with wheelbarrow; "bad cut over left eye;" death resulted five days later at hospital.
Laborer.....	Married.....	Male.....	40	"Struck on head by piece of iron which flew from traveling crane used for iron breaker; skull fractured; lived five hours."
Laborer.....	Married.....	Male.....	60	Cut on hand caused blood poisoning, and then pneumonia developed, which caused death nineteen days after original injury.
Laborer.....	Married.....	Male.....	32	Believing elevator to be at his floor, deceased pushed heavily loaded truck in elevator shaft and was drawn in by falling truck; back and ribs broken; death ensued eight days later.
Wire drawer.....	Married.....	Male.....	35	Attempted to catch end of coil of wire as it came through draw plate; hand was caught and two fingers cut off; probably otherwise injured as death followed within twenty-four hours.
4. <i>Electrical apparatus.</i>				
Die polisher.....	Married.....	Male.....	22	"Injured person was polishing dies with stick of emery held in brass tube and tube was driven into his abdomen; puncture of bowels and lacerated wound back of abdomen;" death occurred within few minutes.
Elevator operator.....	Married.....	Male.....	37	Splinter in hand; blood poisoning developed with fatal result eight days after original wound.
Engineer, student.....	Single.....	Male.....	24	Climbed on top of transformer to make some change in connection; came in contact with current and received fatal shock.
Engineer, student.....	Married.....	Male.....	28	While on ladder reading temperature on generator under test, coils short circuited, causing fire which enveloped him; severely burned over greater portion of body; died later at hospital.
5 a-d. <i>Vehicles.</i>				
Fireman.....	Married.....	Male.....	68	Flue carrying shavings to boiler became clogged, deceased attempted to dislodge them; shavings ignited and suddenly loosened, fell out and enveloped him with the burning mass; burns caused death.
General helper.....	Single.....	Male.....	20	Clothing caught on, and deceased was whirled around shafting; terribly injured; died in few minutes without regaining consciousness.

PARTICULARS OF FATAL ACCIDENTS FOR YEAR OCTOBER 1, 1908-SEPTEMBER 30, 1909 — (Continued).

INDUSTRY AND OCCUPATION.	Age.	Sex.	Marital condition.	Particulars.
II. METALS, MACHINERY AND CONVEY- ANCES—Concluded.				
5 e-g. Cars and Locomotives.				
Air brake inspector.....	28	Male.....	Single.....	While deceased was making repairs under car it was struck by engine; injuries caused death in few minutes.
Ash pit man.....	32	Male.....	Married.....	While wetting down ashes, deceased was run over by engine; "both legs severed from body, left leg at hip and right leg at knee, stumps trimmed up;" death ensued the following day.
Ash pit man.....	48	Male.....	Married.....	"Cause unknown; body found after accident between tracks;" is supposed to have been run over by engine; both legs cut off and body mangled; killed instantly.
Car inspector.....	45	Male.....	Married.....	Repairing car on side track which was struck by other cars; fatally crushed through chest.
Car inspector's helper.....	33	Male.....	Single.....	Deceased was working under car which was struck by train; three cars ran over him; back broken and both legs cut off; lived five days.
Car repairer.....	21	Male.....	Single.....	Deceased was repairing a car on side track when switch engine struck some empty cars which in turn ran against car on which he was working and crushed him between car and platform; death occurred in five minutes.
Car repairer.....	40	Male.....	Married.....	While working on engine, it was struck by another engine; severe scalp wound, fractured ribs and internal injuries caused death in few hours.
Coaler.....	28	Male.....	Single.....	"Jumped on coaling machine to ride a few feet and was caught between counter balance of machine and channel iron of platform; squeezed shoulders and chest" so as to cause death.
Crown bolter.....	47	Male.....	Married.....	While working inside of firebox of boiler, his oily clothing caught fire from torch he was using; burned on hands, face, neck and side; death ensued the following day.
Engine cleaner.....	60	Male.....	Married.....	Run over by engine and car; hand and arm crushed, hip dislocated, several ribs fractured; died; three days later.
Fire cleaner.....	28	Male.....	Married.....	While working around engine, fell into pit containing water and was drowned.
Foreman.....	60	Male.....	Married.....	Struck by train and severely crushed; died at hospital same night.
Helper.....	47	Male.....	Married.....	"Man was working on radial trucks and was overcome by heat which caused acute peritonitis and resulted in death."
Hostler.....	28	Male.....	Single.....	Deceased attempted to board engine and fell into turntable pit; broken neck caused death within few minutes.
Laborer.....	25	Male.....	Single.....	Deceased was unloading locomotive driving wheel tires from car; first tire unloaded jarred and swayed car so that two tires overbalanced and fell to floor, striking him on the head; skull crushed, causing death in one half hour.
Machinist.....	38	Male.....	Married.....	While deceased was working under engine, he accidentally pushed his arm against and opened blow-off cock; terribly scalded by escaping steam and boiling water; death resulted following day.
Night watchman.....	47	Male.....	Married.....	Fell through shaft opening in floor; death ensued next day without regaining consciousness.
Night watchman.....	36	Male.....	Married.....	While changing trolley pole, fell from car, dislocating back; death resulted.
Pattern maker.....	30	Male.....	Married.....	While working at buzz saw, was struck in abdomen by board thrown from saw; internal injuries caused death six days later.

Rigger.....	50	Male.....	Married.....	Pulley block broke and struck deceased in forehead, fracturing his skull and killing him instantly. "No witnesses, particulars unknown; employed in taking ashes from ferryboat to dock across gang plank in a wheelbarrow and in some manner got overboard; probably heart failure."
Yardman.....	22	Male.....	Single.....	
6. SHIP AND BOAT BUILDING.				
Helper.....	50	Male.....	Married.....	"While descending into hold of vessel, he fell, fracturing his ribs and injuring himself internally; died in hospital."
Laborer.....	32	Male.....	Married.....	Support on port side of steamship on which deceased was walking turned and he fell to dock (25 feet); concussion of brain and fracture of skull resulted in death.
Not an employee.....	36	Male.....	.....	Fell from ladder to deck of vessel (about four feet); died later from concussion of brain.
7. AGRICULTURAL IMPLEMENTS.				
Carpenter.....	ca 50	Male.....	Widower.....	Deceased was replacing belt with stick, which was caught by belt and thrown with great force, striking him in abdomen; death ensued ten days later.
Engineer.....	184	Male.....	.....	Boiler exploded; seriously burned and injured internally; death resulted within few days.
III. WOOD MANUFACTURES.				
Cabinet maker.....	40	Male.....	Married.....	Deceased was carrying four long beams on elevator and they projected through top of elevator; as car reached the top floor the beams struck the roof and the pressure forced floor of car to give way, throwing him to basement, five floors below; "killed."
Employee.....	18	Male.....	Single.....	Clothing caught on shafting and he was thrown around it to instant death.
Engineer.....	35	Male.....	Married.....	Caught in flywheel of engine; skull fractured; instant death.
Foreman.....	42	Male.....	Married.....	Struck in side and on arm by stick of wood thrown from saw; arm fractured and injured internally; died at hospital a few hours after accident.
Helper.....	28	Male.....	Married.....	While lacing belt deceased was caught in belt and whirled around shafting receiving terrible injuries which caused death same day.
Laborer.....	38	Male.....	Married.....	While working on bending machine, crane holder gave way, striking deceased and causing him to fall over backward; fractured skull and injured brain; death occurred thirty-six days later.
Laborer.....	57	Male.....	Single.....	While loading truck with lumber, deceased jumped on truck, which overbalanced, and he was thrown to the ground and so seriously injured as to cause death four days after accident.
Laborer.....	36	Male.....	Married.....	While lifting plank on saw he lost his balance and fell back on saw; body frightfully injured, being torn in many pieces; killed instantly.
Laborer.....	65	Male.....	Married.....	"Abdomen penetrated by stick," thrown from saw; death ensued.
Machinist.....	68	Male.....	Married.....	Attempted to throw loose belt from pulley without using stick; hand was caught by belt and deceased was drawn in machinery; "leg broken above ankle and slight flesh wound;" death resulted five days later from shock and exhaustion.
Millwright.....	67	Male.....	Widower.....	Deceased was setting up sand disc; he turned on power and found disc off center and held hammer against edge to force it in place; disc broke and struck him over heart, killing him instantly.
Sawyer.....	34	Male.....	Single.....	Struck in abdomen by piece of board thrown from saw; internal injuries caused death in three days.
Sawyer.....	21	Male.....	Single.....	Circular saw broke and deceased was struck by flying parts; so badly cut in temple as to cause death the following day.
Sawyer.....	19	Male.....	Single.....	Struck in abdomen by board thrown from saw; internal injuries terminated fatally.
Sawyer.....	25	Male.....	Single.....	Struck by board thrown from saw; abdomen punctured, causing internal hemorrhage and death.
Sawyer and general worker.....	ca 52	Male.....	Married.....	Struck by board thrown from saw; abdominal injuries caused death in few days.
Tinner.....	74	Male.....	Married.....	While deceased was at work at his bench, chimney was blown down by heavy wind; it fell through roof, killing him instantly.
Wood worker.....	60	Male.....	Single.....	Struck in abdomen by board thrown from saw; death occurred eleven days later.
Not an employee.....	70	Male.....	Married.....	Found fatally injured at bottom of elevator shaft; died in few hours.

PARTICULARS OF FATAL ACCIDENTS FOR YEAR OCTOBER 1, 1908-SEPTEMBER 30, 1909 — (Continued).

INDUSTRY AND OCCUPATION.	Age.	Sex.	Marital conditions.	Particulars.
IV. LEATHER AND RUBBER GOODS.				
Fireman.....	29	Male.....	Married.....	"Opened blow off cock suddenly and too far, which broke blow off pipe, hitting him on head and killing him instantly."
Foreman.....	42	Male.....	Single.....	Explosion of benzine caused destruction of entire plant; terribly burned by overturning of caldron of steaming cement; died shortly after accident.
Shoemaker.....	31	Male.....	Married.....	Hand caught in leveling machine and seriously crushed; pneumonia developed later with fatal result.
V. CHEMICALS, OILS, PAINTS, ETC.				
Chipper helper.....	31	Male.....	Married.....	Arm caught in driving belt and torn from body; died before reaching hospital.
Employee.....	16	Male.....	Single.....	Entire plant destroyed by fire; overcome by celluloid fumes and burned to death.
Employee.....	34	Male.....	Married.....	Entire plant destroyed by fire; overcome by celluloid fumes and burned to death.
Freight conductor.....	32	Male.....	Married.....	Stepped between cars to take out coupling pin, his heel caught between guard rail and track; run over by car; leg and thigh badly crushed; death resulted.
Laborer.....	27	Male.....	Single.....	Leaned over elevator gate to look for elevator; it was descending and crushed his head; died almost instantly.
Laborer.....	31	Male.....	Married.....	Operating rotary crusher, which became clogged and "it is supposed that in his efforts to clear machine he slipped through an opening used for hoisting material, striking floor below; killed instantly."
Laborer.....	28	Male.....	Married.....	Deceased was working on first floor; drum of lye which was being rolled across second floor burst and ran down through conveyor opening upon him; very badly burned with fatal result.
Laborer.....	43	Male.....	Married.....	Deceased was working on plank on level with large kettle containing boiling soap; made a misstep and fell into vat, receiving terrible burns which caused death later at hospital.
Laborer.....	36	Male.....	Single.....	"Walking in steam filled gangway, walked in manhole;" died thirty-nine days later, probably as result of fall rather than burns.
Laborer.....	40	Male.....	Married.....	Deceased was cleaning in elevator well, unknown to fellow workman, who lowered elevator upon him; killed almost instantly.
Laborer and coal trimmer.....	51	Male.....	Single.....	Caught in coal conveyor; foot and leg crushed, severing main artery; died before arrival of ambulance.
Laborer.....	38	Male.....	Married.....	While carrying beam he fell and was struck on head and back by beam; fractured vault and base of skull; also bruises on back; death resulted.
Manager.....	39	Male.....	Married.....	Instantly killed by explosion of oxygen tank.
Miller.....	35	Male.....	Single.....	"Steam jacketed kettle exploded while in act of turning steam into same; fracturing skull and bursting blood vessel; fatal."
Pitman.....	37	Male.....	Married.....	While working in furnace department, deceased was overcome by heat; removed to hospital, where death occurred in few hours.
Saw operator.....	28	Male.....	Married.....	Struck by board thrown from saw; rupture of intestines caused death following day.
Still fireman.....	55	Male.....	Married.....	Deceased was cleaning off manhole plate of crude still when "there was a puff or explosion, the force of which threw him from platform and broke plate from its fastenings;" struck by falling plate; head crushed; died before arrival at hospital.
Teamster.....	ca 50	Male.....	Widower.....	Kicked by horse; skull fractured; died shortly after being injured.

VI. PAPER AND PULP.				
Beaterman.....	60	Male.....	Married.....	Found dead in rag pit, wedged between wall of pit and bale of rags; supposed to have fallen through trap door.
Conveyor tender.....	23	Male.....	Single.....	While placing belt on pulley, was caught by belt and whirled around shaft; compound fracture of skull; arm torn off; killed instantly.
Carpenter.....	50	Male.....	Married.....	Struck by board thrown from saw; leg broken, hip hurt and wrist cut; death resulted.
Employee a.....	18	Male.....	Married.....	Cut off finger while handling rag cutter; blood poisoning developed, and death followed from lock-jaw, nine days after original injury.
Employee a.....	30	Male.....	Single.....	Found on floor back of machine; supposed to have been thrown from plank which bent or tipped as he stepped on it; ankle broken and bruised and head cut; died same day.
Engineer.....	47	Male.....	Married.....	Caught in flywheel and thrown against shaft of engine; killed instantly.
Foreman.....	36	Male.....	Married.....	While fixing packing box on shafting water wheel, was caught on shafting and whirled around; head and chest crushed, arm torn off, etc.; almost instant death.
Grinderman.....	45	Male.....	Married.....	While replacing belt on pulley, arm was caught by pulley and he was whirled around shaft; arm torn from body, four ribs broken, heart and lungs injured; bones in both legs broken, foot crushed; death resulted in few hours.
Laborer.....	25	Male.....	Married.....	While moving flywheel weighing five tons, deceased was crushed beneath it; "injured internally; operated upon at hospital the following day;" died within twenty-four hours.
Laborer.....	28	Male.....	Single.....	"Fell into tank of hot pulp;" scalded on entire body with exception of head and chest; death ensued on following day.
Machine tender.....	30	Male.....	Single.....	While greasing gears, his arm was drawn in and badly mangled from finger to shoulder, arm practically torn off; flesh on back, breast and side badly lacerated; it was necessary to amputate arm, which left large open wound; death resulted ten days later.
Machine tender.....	ca 27	Male.....	Married.....	When deceased was helping to open head gates in raceway he lost control of gates and was crushed to death.
Millwright.....	31	Male.....	Married.....	While replacing belt on pulley, arm was caught and torn off at elbow and lung punctured; died within few hours.
Sulphite cook.....	29	Male.....	Married.....	While loading 500 pound disc on car, disc slipped and fell over on deceased; crushed skull and broken neck caused instant death.
Winderman.....	19	Male.....	Single.....	Leg caught in rapidly revolving hand wheel on paper machine and deceased was drawn in and thrown around shafting and to floor with great force; leg broken in four places, skull fractured and otherwise injured; died following day.
VII. PRINTING AND PAPER GOODS.				
Pressman.....	37	Male.....	Married.....	Supposed to have fallen into press from running board; arm torn from body, etc.; death ensued at hospital.
VIII. TEXTILES.				
Laborer — carpet mill.....	60	Male.....	Married.....	While lowering hose from seventh to first floor with hand hoist, handle slipped and struck him in face; "compound fracture of skull and nose; died in ambulance."
Doffer cleaner — cordage mill.....	20	Male.....	.....	Clothing caught in machine and he was drawn in and almost instantly crushed to death.
Helper in cotton yarn mill.....	40	Male.....	Married.....	Hand caught in belt and deceased was whirled around shafting and thrown to floor; skull fractured; died next day.
Card tender — knitting mill.....	32	Male.....	Single.....	Found unconscious on floor beside finishing card; fracture at base of skull resulted in death.
Millwright — knitting mill.....	30	Male.....	Single.....	While making repairs around shafting his clothing caught on shaft and he was whirled around, receiving serious injuries with fatal results.
Rag picker — knitting mill.....	28	Male.....	Married.....	While deceased was working on machine, fire suddenly broke out, due to the presence of so much cotton; it spread rapidly and completely enveloped him; terrible burns resulted in death twenty-five days later.
Yarn carrier — knitting mill.....	21	Male.....	Single.....	Caught between elevator and floor of room and terribly crushed; ribs being forced through lungs; death occurred upon arrival at hospital.
Employee a — silk mill.....	16	Male.....	Single.....	Attempted to board moving elevator over guard gate; caught and neck broken, causing instant death.
a Class of work unknown.				

PARTICULARS OF FATAL ACCIDENTS FOR YEAR OCTOBER 1, 1908-SEPTEMBER 30, 1909 — (Continued).

INDUSTRY AND OCCUPATION.	Age.	Sex.	Marital condition.	Particulars.
IX. CLOTHING, MILLINERY, LAUNDRY, ETC.				
Rag buyer a—clothing factory.....	52	Male.....	.....	When lowering rags through hoistway he fell to bottom; died at once.
Laborer—dyeing and cleaning plant.....	19	Male.....	Single.....	Explosion of gasoline caused destruction of entire plant; deceased was blown through front door; dead when picked up.
Assorter—laundry.....	23	Male.....	Single.....	Deceased rested his head on cross bar of entrance to elevator; descending elevator struck his head, fracturing skull; death resulted.
Wringerman—laundry.....	65	Male.....	Single.....	Arm caught in wringer, broken and lacerated so as to necessitate amputation; died following day without regaining consciousness.
Helper—laundry in collar factory.....	26	Male.....	Married.....	Door of wash wheel flew open and boiling water was thrown on chest and face, so seriously burned that death ensued five days later.
Porter—shirt factory.....	28	Male.....	Married.....	Crushed "between elevator and entrance heading; death."
General workman—rag sorting plant.....	33	Male.....	Married.....	Caught in belting and whirled to almost instant death.
X. FOOD, LIQUORS AND TOBACCO.				
1. CEREALS, FRUITS AND GROCERIES.				
Elevator operator—flour mill.....	19	Male.....	Single.....	Cable of elevator broke, allowing elevator to fall from tenth floor to basement; deceased fell with elevator, fracturing both ankles, etc.; death resulted later at hospital.
Roustabout—flour mill.....	24	Male.....	Single.....	Crushed between platform and cars, died following day.
Laborer—canning factory.....	75	Male.....	Married.....	Struck by "traveling carriers" and thrown into vat of boiling water; serious burns on head, arms and body; died in four hours.
Mucker—salt mine.....	38	Male.....	Married.....	Ascending from mine in car loaded with salt, car passed usual landing place and proceeded to station where salt is automatically dumped into grinding hopper, he became frightened and jumped from car, falling to bottom of shaft; killed instantly.
Salt loader—salt mine.....	34	Male.....	Married.....	Struck by "salt cars" and very badly crushed, death occurring in five minutes.
Carpenter—sugar refinery.....	59	Male.....	Married.....	Constructing scaffold at window in tenth floor; fell from window and killed instantly.
Laborer—sugar refinery.....	31	Male.....	Married.....	Fell in large filter (20 feet), which had been opened to be filled; fractured skull caused death same day.
Laborer—sugar refinery.....	47	Male.....	Married.....	Pile of sugar bags (325 pounds each) fell over; struck by three of bags; back and both legs broken; death resulted next day.
2. PROVISIONS.				
Laborer—fish cannery.....	27	Male.....	Married.....	Hand caught under die of power press, causing loss of four fingers and part curved, probably due to shock.
3. DAIRY PRODUCTS.				
Workman—dairy.....	35	Male.....	Widower.....	" Breaking of elevator about 3:30 P. M.; neck broken; died at hospital at midnight."

4. BAKERY PRODUCTS, CONFECTIONERY, ETC.	
Employee a — bakery.....	19
Hostler and harness cleaner — bakery.....	45
Employer — bakery.....	58
Oven attendant — bakery.....	30
Foreman — candy factory.....	28
Shipping clerk — candy factory.....	19
Watchman — candy factory.....	63
5. BEVERAGES.	
Carpenter — brewery.....	32
Employee b — brewery.....	30
General workman — brewery.....	45
Laborer — grape juice plant.....	20
XI. WATER, LIGHT AND POWER.	
Gas engineer — gas plant.....	36
Helper — gas plant.....	18
Workman — gas plant.....	70
Laborer — gas plant.....	49
Laborer.....	28
Mason — gas plant.....	67
Oiler — light, heat and power plant.....	19
Foreman — light and power plant.....	40
Electrical machinist — light and power plant.....	42
Foreman — power plant.....	41
Fireman — power plant.....	30
Boiler cleaner — power plant.....	36
Wireman — power plant.....	35
Not an employee — power plant.....	19

a Not an employee. b Class of work unknown.

Male.....	Single.....	Fell down elevator shaft; fractured skull with fatal result.
Male.....	Married.....	Deceased was on ladder replacing belt on pulley, belt slipped, causing him to fall from ladder; struck head; died following night.
Male.....	Married.....	Found dead with "bruise on abdomen," is supposed to have fallen against machinery.
Male.....	Single.....	Cut finger on wire; injury resulted in death thirty days later, probably due to blood poisoning.
Male.....	Married.....	Deceased with others was transferring vats of boiling sugar from third floor to basement; when he reached second floor he attempted to jump from elevator, missed the ledge and fell back in vat; "scalded in back; died."
Male.....	Single.....	Riding on elevator carrying 700 pounds of glucose which fell from first floor to basement; "head and leg so injured as to cause immediate death."
Male.....	Married.....	Fell down elevator shaft; killed instantly.
Male.....	Married.....	While tearing down cupola, stepped on plank which gave way and he fell to the floor of attic; fracture of skull caused instant death.
Male.....	Married.....	Fell down elevator shaft; died before arrival of ambulance.
Male.....	Married.....	Deceased was working on scaffold near shafting; apron string is supposed to have caught on shafting and he was drawn to and whirled around same; right leg torn off, both arms broken and several scalp wounds; injuries resulted in death.
Male.....	Single.....	While oiling machinery of elevator, clothing caught; he was drawn in; found suspended by neck between guard doors of elevator.
Male.....	Single.....	Plant destroyed by explosion of gas stored in tanks and used for lighting auto lamps; serious burns caused death later at hospital.
Male.....	Single.....	Plant destroyed by explosion of gas stored in tanks and used for lighting auto lamps; supposed to have been killed instantly.
Male.....	Single.....	Plant destroyed by explosion of gas stored in tanks and used for lighting auto lamps; terribly burned and also other injuries; death resulted about one hour after reaching hospital.
Male.....	Married.....	Deceased was wetting hot ashes with hose; too great pressure of water caused hot ashes to be thrown over him; burned on neck and shoulders; death resulted within three days.
Male.....	Married.....	Just finished unloading car and was struck by another car which was pushed down to be unloaded; thrown down in hopper pit; compound fracture of leg and shoulder, ribs crushed in; died from internal injuries and shock.
Male.....	Married.....	While making repairs in elevator shaft was caught by descending elevator; skull crushed; died in about one hour.
Male.....	Single.....	Clothing caught in chain conveyor and he was drawn in and badly injured; compound fracture of leg necessitated amputation; death resulted four days later.
Male.....	Married.....	Rack suspended from ceiling and used for storage purposes fell upon deceased as he was passing through shop; died soon after reaching hospital.
Male.....	Single.....	Killed by electric shock; alone at time, so particulars unknown.
Male.....	Married.....	Received electric shock while working in transformer room; severe burns about face and lower limbs, also severely shocked; death resulted following day.
Male.....	Single.....	Boiler tube burst; deceased was so seriously burned on face, neck and arms as to result in death seventeen days later.
Male.....	Married.....	Killed by electric shock while cleaning boiler.
Male.....	Married.....	Deceased was "inspecting oil breakers preparatory to cutting in a cable, when he inadvertently placed his hand on live part of breaker; shock causing instant death."
Male.....	.....	Was alleged to have been "fooling" with others and in order to escape, ran in sub-station and jumped in transformer pit, came in contact with high tension wire and sustained severe shock which caused instant death.

PARTICULARS OF FATAL ACCIDENTS FOR YEAR OCTOBER 1, 1908-SEPTEMBER 30, 1909 — (Concluded).

INDUSTRY AND OCCUPATION.	Age.	Sex.	Marital condition.	Particulars.
XII. TUNNELS.				
Drill runner.....	20	Male.....	Single.....	Deceased was standing on edge of bucket which swayed to side of shaft as it ascended and he struck against timber and was thrown from bucket to bottom of shaft (110 feet); killed instantly.
Drill runner's helper.....	30	Male.....	Married.....	Deceased was standing on edge of bucket which swayed to side of shaft as it ascended and he struck against timbers and was thrown to bottom of shaft (100 feet); laceration of scalp and concussion of brain caused death about a month later.
Drill runner's helper.....	24	Male.....	Married.....	"Crushed between cage and timbers; killed instantly."
Drill runner's helper.....	35	Male.....	Single.....	Apparatus used to hoist rock and earth to surface suddenly collapsed; deceased was caught beneath the falling mass and instantly killed.
Dumpman.....	42	Male.....	Single.....	Attempted to remove chain from muck car which was attached to mule; fell in front of car and was run over; laceration of finger, contusion of arms and body and internal injuries; died next day.
Foreman.....	33	Male.....	Married.....	Deceased was being lowered into tunnel, engineer evidently lost control of car which fell to bottom of shaft; neck broken, causing instant death.
Foreman.....	31	Male.....	Married.....	While helping to remove a post from a bucket he fell from platform to bottom of shaft; fracture at base of skull caused death later at hospital.
Foreman (shaft).....	22	Male.....	Married.....	Head crushed by stone which fell from wall of shaft; killed instantly.
Laborer.....	18	Male.....	Single.....	Crushed beneath falling hoisting apparatus; "fracture of arm and pelvic girdle and rupture of entire lower abdomen, causing death in few minutes and before medical attention could be given."
Laborer.....	46	Male.....	Married.....	Fell from platform to track about 5½ feet; fracture and dislocation of back caused death following day.
Laborer.....	23	Male.....	Single.....	Deceased was using steam shovel to load cars with earth and stone; struck by stone which fell from shovel; skull fractured at base caused death later.
Laborer.....	40	Male.....	Married.....	While dumping cars on trestle was struck by car following one just dumped; "rupture of bladder, fracture of pelvic girdle and internal hemorrhage; died about two hours later."
Laborer in engine room.....	40	Male.....	.....	Was setting up heater in engine room, when it fell over upon him; shoulder fractured and skull crushed, causing instant death.
Mucker.....	38	Male.....	Married.....	Struck on head by wedge shape stone which fell from side of shaft; compound fracture of vaults of skull; lived only one-half hour.
Mucker.....	25	Male.....	.....	Fell from cage when sixty feet from bottom of shaft; died in ambulance on way to hospital.
Mucker.....	28	Male.....	Married.....	"Helping to place pipe on bench, when a smaller pipe which telescopes inside the larger one slipped out at end at which he was assisting, hitting him in abdomen, concussion over abdomen, peritonitis," fatal.
Mucker.....	27	Male.....	Single.....	Struck on head by piece of slab which fell from bucket as it was being raised in shaft; died two days later.
XIII. MISCELLANEOUS.				
1. ELEVATORS IN TENANT FACTORY BUILDINGS.....	45	Male.....	Married.....	Crushed to death beneath elevator.
2. REFRIGERATING AND WARE HOUSE PLANTS.....	38	Male.....	Married.....	Is supposed to have attempted to board moving elevator; struck by safety gate and carried to third or fourth floor, and then dropped to bottom of shaft; head crushed and body otherwise injured, causing instant death.

MINUTES OF EVIDENCE

ACCOMPANYING THE SECOND REPORT TO THE

Legislature of the State of New York

BY THE

Commission appointed under Chapter 518 of the Laws of

1909 to inquire into the question of employers'

liability and other matters

April 20, 1911



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PROCEEDINGS.

COMMON COUNCIL CHAMBER, CITY HALL.

ROCHESTER, September 24, 1909.

Public Session of Subcommittee on Causes of Industrial Accidents.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman*.
GEORGE W. SMITH,

JOSEPH P. COTTON, Jr., *Counsel*.

CHAIRMAN.—In order that you may have a better idea of the scope of this Committee's work, I will state that last winter, as you probably know, a commission was appointed to inquire into the matter of employers' liability and causes of industrial accidents. That commission has subdivided its work—that is, its preliminary work. There is a committee working on the Employers' Liability Law of this State and investigating that; another committee investigating foreign systems of compensation to injured workmen, and this Committee investigating causes of industrial accidents. So far as the compensation is concerned there is quite a growing feeling that there ought to be compensation in all cases of injuries to workmen. In England the employer is liable up to a certain amount, and he takes care of himself by insurance. In Germany there is an insurance fund, handled by the government, to which the workman and employer contribute jointly. Now if it is finally determined to have a compensation act in all cases of injury, there will be the practical question of how it ought to be handled. The preliminary work involved in such an inquiry falls to another committee. In course of time you gentlemen will be interested in considering that phase of the question. What we are interested in now is the question of the causes of industrial accidents. As far as the railroad end of it is concerned I don't think there is anyone here representing the railroad employees. I wrote to the Up-State Public Service Commission asking what data they had in regard to accidents, and I received this letter:

September 22, 1909.

Cyrus W. Phillips,
406 E. & B. Building,
Rochester, N. Y.,

DEAR SIR.—I have yours of the 18th inst. advising me that the Committee on Causes of Industrial Accidents will hold

a meeting in the City Hall, Rochester, N. Y., on the 24th inst.

I very greatly regret that this Commission is not able to give you such information as it would desire regarding the causes of accidents to railroad employees. The Commission has never been put in a situation by the Legislature properly to investigate causes of railroad accidents. It made a very urgent appeal to the Legislature last winter for an appropriation sufficient to enable it to employ skilled accident inspectors but was unsuccessful in its application.

The Commission fully believes that every effort should be made to diminish the number of accidents occurring and that skilled investigation into the causes of such accidents should be required. The lack of appropriation prevents such work in this direction as it deems necessary. If your Committee can bring any influence to bear upon the next Legislature to make suitable appropriation for this purpose, you will be working in exact harmony with the Commission.

Very truly yours,
F. W. STEVENS,
Chairman.

I have just received the following letter from the Fidelity & Casualty Company, relating to the subject of this inquiry:

"September 23, '09.

"Hon. CYRUS W. PHILLIPS,
"Chairman Committee on Causes of Industrial Accidents:

"DEAR SIR.—We are in receipt of yours of the 18th inst. We greatly regret our inability to send you now a copy of our forthcoming pamphlet on 'The Prevention of Industrial Accidents.' It is in the press now but it is taking longer to set up and print than we anticipated. It will contain 200 pages or so and will have chapters dealing with 'Care on the Part of Em-

ployers and Employees,' 'Steam Boilers,' 'Engines,' 'Electrical Apparatus,' 'Elevators,' 'The Factory,' and 'Wood-working Machinery.' This pamphlet, to be known as 'No. 1, General Pamphlet,' is the first of a series and will deal with those precautions which are of general application in all industries. Other pamphlets are in course of preparation which will deal with the hazards peculiar to specific industries. We shall have pleasure in sending you a copy of the pamphlet just as soon as it is received from the printer.

"As to the prevention of accidents, we have to say that the experiences of this company under its liability policies covering 25,000 accidents a year has been studied in order to determine what industrial accidents are preventable. From such data and from data gathered from other sources, we believe that fully sixty (60) per cent. of all fall within the preventable class. We put within the preventable class all those accidents due to the carelessness of the workmen themselves.

"The following is quoted from the introduction to our forthcoming pamphlet: "It is to Germany that we must turn for exact information regarding "the causes of accidents." From statistics collected there in connection with "Workmen's Compensation insurance," it appears that the greater number of "accidents," 57.95 per cent., are due to the negligence of employers or employees, and the smaller number, 42.05 per cent., to the inevitable risks of employment.

"The causes of accidents are stated as follows:

"Inevitable risk	42.05 per cent.		
Want of skill and carelessness	20.25	"	"
Want of guards	7.82	"	"
Deficient factory arrangements	7.15	"	"
Acting against rules	5.44	"	"
Fault of other (third) persons	5.28	"	"
Fault of employers and workmen	4.66	"	"
Not using guards	1.92	"	"
Insufficient instruction	1.84	"	"
Superior force, casualty, etc.	1.31	"	"
Carelessness	1.19	"	"
Unfit clothes	.49	"	"

This table is taken from "The Workmen's Insurance of the German empire," described for the St. Louis Universal Exposition, 1904, by the Imperial Insurance

Office and the Imperial Statistical Office in Berlin, page 21, "The causes of Accidents (question of fault)."

"In considering these percentages, it should be borne in mind that the precautions for preventing industrial accidents are far and away more complete in Germany than in the United States. Under the administration of the workmen's compensation laws, the invention and use of safety devices are encouraged and the use of safety devices has consequently become very general. The United States, not having progressed so far, it is probable that more than 57.95 per cent. of the accidents that occur are preventable.'

"The importance of educating workmen to be careful should not be overlooked. The following extract is taken from the Massachusetts District Police Report for 1908, page 151:

"It is a matter of no slight importance to note how large a proportion of the accidents reported might have been averted had reasonable care and ordinary caution been exercised on the part of those injured. I refer to the number of persons injured while attempting to clean or oil machinery or to pick off waste or other material which has lodged in some part of the machine, without stopping the machine before executing such purpose; also to those who, in the connection with the movement of elevators, neglect to take the necessary precaution in the using or working of such elevators. Of the total number of accidents arising in connection with the operation of machinery, namely, 1,239,465, or more than 36 per cent. of the entire number, were caused in this manner; and of the number of accidents caused by elevators, namely, 7,934, or more than 39 per cent. of that number were caused through such neglect.

"In all such cases the persons were acting in direct violation of the rules which prohibit the cleaning of machinery while in motion, or attempting to remove waste or other material without first stopping the machine, and the careless or improper handling of elevators. Under such circumstances safeguards are practically of no avail, due care being necessary in every event, whatever means for the protection of life or limb may be used or adopted.'

"With regard for suggestions for legislation, we have to say that we are doubtful whether much can be accomplished by legislation at this time. The time, we feel, is not ripe, neither employers nor employees being in sympathy with any movement that is likely in the least to curtail production or earnings.

"It is our feeling that much will have to be done in educating employers and employees before the Legislature can take action that will be useful. This educational movement is already under way. Insurance companies are doing much to educate their policyholders. The factory inspection departments in the various States, in spite of narrow appropriations, are doing helpful work. There is an awakening interest among employers and many on their own initiative are studying the means of preventing accidents in their works and applying preventive measures accordingly.

"We have an idea that the office of the Commissioner of Labor could assist in this educational movement and made still more useful than it is now if to the staff of the Commissioner there was added a competent mechanical engineer whose duties it should be to study the means of preventing accidents in the industries of the State and to prepare bulletins giving in clear-cut, concise language, instructions for the prevention of accidents, which bulletins should be published by the State and distributed to employers.

"Eventually, no doubt, when the best ways of preventing accidents have been worked out, it may be possible to prescribe by law what safety devices shall be used and what precautions shall be taken to avoid accidents, just as has already been done to a notable extent in some States and cities in regard to steam boilers and elevators, but in our opinion the accumulated data are hardly sufficient to enable this to be done properly as yet. We feel that for the present, the efforts made should be largely along lines of educating employers and employees how accidents may be prevented.

"You will see that we do not disparage inspection work, etc., under the charge of the State. We have many opportunities of noting good work so done.

"We strongly believe that employers at large are very sincere and very earnest in their desire to avert causes which make for the occurrence of accidents. Our opportunities to note their disposition are of the very best. As a rule it may be said that our policyholders give prompt heed to our recommendations based upon the work of our inspectors. American employers are intelligent and humane and act accordingly. Our educational campaign therefore is full of hope, and it is upon this campaign that we lay stress. For inspections by the State are often imperfect. The grade of men employed to inspect is more or less unsatisfactory, and a poor inspection is worse than none.

"In our opinion educational work is tending to grow. The subject interests people. The insurance companies alone are doing a vast amount of this educational work. They believe in it not merely because it will lessen losses but because they are very largely actuated by the idea that their responsibilities must be measured by their opportunities.

"Yours truly,

"GEO. F. SEWARD,
"President."

It is necessary to get more information before we can legislate very thoroughly, and while we meet here to go over some data that we have acquired and map out our future work, we have thought it a good time for you gentlemen representing various labor organizations of Rochester to come here to express your feeling in regard to it and make any suggestions that you have in mind. I think Mr. O'Rourke is here representing the Central Trades body.

Mr. JOHN O'ROURKE.—We met for the first time last evening and found that we were very illy prepared to give you anything definite. But what you have read and how you have touched upon the matter is very much to the point. I have studied into the social questions and industrial subjects a great deal, have been very much interested all my life, and have been around dangerous work all my life too and have never got a scratch. As far as I am individually concerned, I have noticed this, that it is keeping a balance; it is a physiological condition; it has a lot to do with your safety. Those that get drunk and get their nerves out of order, they are the ones that the accidents happen to. While you can go into detail and cause employers to do certain things, it is all very well but yet the subject of education is more important in order to keep the mind properly trained, because the thought is father to the act. They must learn first to have self-control, learn to have forethought; for that is the most important thing among the working people.

Now, getting at the point, what I would think would touch the matter most particularly would be to have a skilled sanitary engineer in the service of the State and have his deputies, men that know how to handle sanitation and know the efficiency of ventilating machinery and the like of that. I don't think there are many of the factory inspectors that are skilled mechanical engineers, and a man to do a thing properly in ventilation must know something about ventilating machinery, and he must know something about hygiene and

lighting the workshop and such as that. That is the most important thing of all, and that is where legislation greatly helps. Outside of guarding machinery, and so forth, there is necessity for legislation, and there are many particular points that we wish to work up and present. One thing more important than all is the educational work. The State should take it in hand to educate the working people for their own good. There should be a social worker—very well to have him a physician—to go around to the unions and to the central bodies and lecture on health and the welfare of the workers, and to try and promote forethought among the people. That would do more good than anything else. A social worker, a man that has studied into conditions and is a professional man, or a man that knows the care of the body and something about the proper exercise of the mind and the general welfare of the individual—such a man or such a body of men, or commission, to attend to that matter could do more good than anything else, and go out in the social work and bring the people to a sane condition, that is, give them a sane civilization—not to work like mad people as we are now days, not care for anything, take chances; we want to be cautious. There are people like that and we want them to come among us.

CHAIRMAN.—Did you say something to me a while ago about the number of deaths you had among the stonecutters?

Mr. O'ROURKE.—In regard to that, there is a certain stone that is very deadly with us, and there is another stone that those that work it I have known to live to close to a hundred years. As far as it is concerned, it promotes health; it is in no way detrimental to their health at all; that is limestone. Limestone is in no way detrimental to our health that I know.

CHAIRMAN.—Even though you breathe the dust?

Mr. O'ROURKE.—I can't say about that; but it dissolves; it is not injurious at all. With those silicates they scratch the mucous membrane; when you breathe germs there is a cut surface for the germs to start a colony, and that is how it starts. But with limestone I don't know of anything of that kind happening. With Medina and Potsdam sandstone there have been about seven or eight of our members who have died within about a year, and they were men in good health about a year ago, strong men; they should live to sixty or seventy years of age but die in middle life.

CHAIRMAN.—What do they die of—tuberculosis?

Mr. O'ROURKE.—Yes, sir; in pretty nearly all cases.

CHAIRMAN.—How many have you in this city?

Mr. O'ROURKE.—148; that is, on the books.

CHAIRMAN.—Will you prepare some figures on that, Mr. O'Rourke, and give them to us, showing the number actually working at stone cutting and the number of deaths and the causes of death within a stated period? If you have anything to suggest, any apparatus that would blow the dust away, or if they can wear anything.

Mr. O'ROURKE.—Legislation on these points will be of little account except that there is an engineer who knows his business. An inspector will go into a shop and will say, "Have you any complaint?" They wouldn't dare say so if they had for fear they would be discharged. The inspector must be one who knows and who won't ask the employer or employee but will make an investigation himself and won't have to ask any questions.

CHAIRMAN.—Do you know of any apparatus now that a man can wear on his face while cutting stone?

Mr. O'ROURKE. There is what is known as the surfacing machine, and they should wear some protection on that. This pneumatic machine that they go over the surface of stone with, there is a continual cloud of dust, and they are outdoors and it rains and snows upon them, and the rain and snow of course injures their health in that way as well as the dust; and they seldom wear protectors. There are many appliances, but they don't, and then again they won't either, or the employer won't insist upon it and the workmen, as I say, won't bother. There is no way to get around it except by a man who knows and who will go around and won't take the word of employer or employee but will insist upon the law.

CHAIRMAN.—Mr. Gartland, have you any suggestions to offer?

SYLVESTER P. GARTLAND (Metal Polishers).—I feel that with a great many of our members the cause of death is the inhaling of emery dust and metal dust. We have laws on the statute books pertaining to exhaust fans, but in the majority of factories here there is a makeshift, simply speaking, a small fan, small pipes, and, of course, answering the purpose of looking like a ventilator, but they are not. If they had a proper fan with the proper suction they could draw away sufficient dust so that the health of the metal polishers would be prolonged. At the present time I be-

lieve there are but one or two factories in the city where they have a perfect system of exhausting the dust away. The majority of them are small pipes and clogged up with lint, and in time they get stopped entirely and the dust gets so you can hardly see the man next to you, especially where they are working on stoves. In the afternoon there is no dust to speak of, but in the morning when they are roughing the work out it is certainly very dusty. The only way I can see is to have proper fans to draw away this dirt and an inspector who would be capable of knowing what the condition of the air is in that room.

Mr. COTTON.—Are you employed in any one concern now?

Mr. GARTLAND.—I am employed in the Taylor Instrument works as electro-plater.

Mr. COTTON.—Is there any reason why lists should not be made up of firms who have proper fans and exhausts, and those who have not by some person connected with your society who could present it to this Committee?

Mr. GARTLAND.—That could be done very readily; we would be only too glad to give you the name of the firm having the best blowers and having the very poorest.

CHAIRMAN.—Mr. George H. Wright of the Carpenters and Joiners.

Mr. WRIGHT.—I might say that the feeling among the delegates in regard to this matter is this: We thought we would get what ideas you can give on that and we would afterwards get together and look over the field and see what could be done. Now, I am familiar enough with the interior woodworking shops in this city. I know that some of them are in very, very bad shape, both in regard to sanitation and protection, and I could perhaps make a very lengthy report and give you many reasons of the causes of accidents in these factories; many reasons—overtime, lack of sanitary appliances, driving men—foreman standing back of a man of nervous temperament, pushing him along on a dangerous machine; many reasons. A good many of those accidents are preventable; that I know. The sanitary end of it in Rochester is something fearful. Take it in some places, ventilation, etc., is awful. Steps should be taken in regard to ventilation.

CHAIRMAN.—Are safety appliances used around saws?

Mr. WRIGHT.—Very generally in the better class of shops.

CHAIRMAN.—Are the larger shops run in better shape than the smaller ones in regard to safety appliances?

Mr. WRIGHT.—That depends; some of the larger shops are run in accordance with the law; some of the larger shops we have are not.

CHAIRMAN.—Is there a tendency among manufacturers when they construct new buildings to put them on a better basis than the old ones?

Mr. WRIGHT.—There certainly is; the buildings that are going up are built more with regard to sanitation than they were formerly.

CHAIRMAN.—They reflect present ideas, while the old buildings are going on in the way they were built several years ago?

Mr. WRIGHT. Yes.

CHAIRMAN.—Mr. Cary of the Structural Ironworkers.

Mr. CARY.—While we are all talking about sanitation, we don't need sanitation; we are in the open air. In fact, we don't need much legislation because the State law seems to be enough to protect us, but it is not enforced. You can see a violation by looking out of the window.

Mr. COTTON.—What is the violation?

Mr. CARY.—The State law says that every second floor in a building must be temporarily floored or permanently. In a fireproof building they must put in a temporary floor or a permanent one.

Mr. COTTON.—Would it be possible for a man to fall through there now?

Mr. CARY.—Oh, yes; drop hammer or tools on the other workmen, or tools of any description. We had one case here just after the law was enacted. It was to go in force the first of May, I believe, in 1905, and on the 23d of June on a building here a man fell from the top clear through; nothing to stop him till he struck the cellar. Twenty-four hours after that the floors were put in. But we have to have a man killed or badly hurt to enforce the law. That is the condition here. In regard to legislation, I don't believe it will help unless it is enforced. The question is, who is the proper person to see that it is enforced? We have tried to find that out heretofore. We thought at first it was the police authorities; put it up to the chief. He shook his head; said it did not belong to his department. We don't know where we are at. The factory inspector has nothing to do with it. So there is the condition we are in. The law was enacted especially for the structural ironworkers.

Mr. COTTON.—Does your union keep any figures in relation to the accidents occurring within it in the course of a year?

Mr. CARY.—Yes, sir; we have a system in our international organization; we have

one statistician in every local union and his duty is to keep a correct record of all accidents during the term.

Mr. COTTON.—Do the structural ironworkers pay benefits to the injured?

Mr. CARY.—Some do and some don't; they all pay death benefit. The majority of them do in accidents.

Mr. COTTON.—The temporary floors that are put in are ordinary wood floorings?

Mr. CARY.—Yes.

Mr. COTTON.—I presume you could not put them up building only three stories at a time? The objection you make is there are temporary floors put in?

Mr. CARY.—We have objections to make in that respect; there is no proviso in that law for a building going up fifty or sixty feet; there is nothing to protect us at all—a building with a truss roof. A man falling down would fall clear to the ground. The flooring protects the men working underneath it more than it does us.

CHAIRMAN.—Is Mr. Kennedy of the Stonecutters' union here?

Mr. KENNEDY.—We have no objection in this part of the State. A man dies of tuberculosis, a young man, from the effect of Medina stone. Still, as far as producing something to stop inhaling it, more men die in that way than any other. They inhale it and they get dry with all this dust, and still inhale it. There is no process I know of to prevent us from inhaling the dust, only to get some kind of a blower and get ventilation in a room and shops where we work and keep the dust away.

Mr. COTTON.—Is most of your work carried on in shops or outdoors?

Mr. KENNEDY.—Most work under cover.

CHAIRMAN.—Mr. McFarlin of the Carpenters' District Council.

Mr. MCFARLIN.—Mr. Chairman and Gentlemen of the Committee: It has been stated here by some of the members of our committee we come here not fully informed or in proper state of mind to deal with the question generally. We had a little session last night, and it was suggested by the chairman that we come here to find out how far your committee had proceeded in the matter and thereby giving us a foundation where we could find a line of action for our committee. We have gained some information since we have been here. Now, I don't want to go into any details as to what is necessary for this and that trade just now. I think it would be well for us to arrange another meeting with your Committee, and in the meantime this committee get together and map out a line of action and also get some of the other trades that ought to be interested in this

question as well as we are. There are other trades that I consider ought to be interested in this question; for instance, the railroad organizations. The building trades are pretty well represented; in fact, the ironworkers. There are other trades that this question is quite as important to. Give us a chance to do something by adjourning to another date and having another meeting.

Another question I want to state comes to my mind by the various remarks here. We have a lot of labor measures on our statute books now. We find that it falls upon the labor unions to enforce those laws. You have district attorneys, police justices and all kinds of judges. We find it impossible to get any of those to move in the enforcement of those laws. You heard it stated here that certain people, certain officials in authority here, in the enforcement of the law have been sought and they are powerless to do anything in the matter. We had a question this morning—violation of the eight-hour law. A public contract, men at work now at the present time ten hours a day, and we are at a loss to know whom to look to for the enforcement of that law. It seems to me it is up to the Legislature or this Committee to enact something in conjunction with this matter, to have something legislated to give somebody authority to enforce the labor laws of the State. If you do that it will, I believe, prevent a whole lot of serious trouble. That is the trouble with our Labor Law at the present time. I am beginning to think it is useless to try to get any labor laws enacted. No system adopted, no methods adopted, to have them enforced. The factory inspector is supposed to enforce a lot of labor measures, but he is under political control. As long as you have men under political control to enforce labor laws particularly, the politicians have control of that fellow.

CHAIRMAN.—Do you think it would aid the enforcement of the law to have a local branch of the Labor Department in each of the large cities; practically a deputy with as full power as his commissioner in that locality, living there and knowing the conditions?

Mr. MCFARLIN.—Yes, something of that kind; somebody to perform the duties of the powers that be in the locality.

Mr. COTTON.—There is an easy way to get at the ten-hour work on municipal contracts. Try the Commissioner of Labor on that particular thing.

Mr. MCFARLIN.—I will state an objection. We had two bridge contracts let for two bridges here in the city of Rochester.

One, incidentally, is still incomplete — Lyell avenue and Allen street. One was let to a Syracuse firm and the other to a New York firm. Both parties were here and tried working over eight hours. We looked over the field, interviewed them, tried to get them to conform to the law, and there was nothing to do. We took the matter to the district attorney. The district attorney took the matter up and gave it to the grand jury, and that grand jury was composed principally of contractors, members of the Builders' Exchange and the Contractors' Association, and naturally had a feeling for the other contractor who was probably a member of the State organization, and so on. We don't know whatever became of the case. Never heard a report from that grand jury. After producing witnesses, all the men on the job if necessary, we never heard from the case. No report was ever entered. And that is the way these cases go. What you want is some system about it. The present laws for the welfare of labor should be enforced before we enact any new ones, because we lose confidence in their doing any good.

Mr. COTTON.—I will say that a number of requests have gone out and are going out to various unions all over the State asking their attention on this subject and asking them to consider the matter and at a later time report, and undoubtedly this Commission will consider those reports, will hold later hearings and will much later reach its conclusions. But your suggestion that the matter be put before the other trades and all trades is being followed now.

CHAIRMAN.—Is Mr. Baker here of the Painters' Council?

Mr. J. H. BAKER.—I might say that the suggestion I was thinking of was on the same line as Brother McFarlin. In our trade of painting, in working on a scaffold there should be a guide line so that a man can't fall. I was going along State street and I said to a policeman, "There is a scaffold; both of the men are teetering; they are unskilled men and one of them is liable to fall backwards on the scaffold. I wish you would take it up when you go to headquarters and see if you can have it fixed up to conform to the law." I passed there the next day and the next, and every day the scaffold was up. It was not fixed up. We had one of our men fall from St. Mary's church. There was no guide rope on a scaffold a short time ago; I wanted to know who to go to; I didn't know where to go. I went to the fire marshal. He didn't have anything to do with it. In regard to ropes, take a man, they will give him a set of ropes that is not fit to work with. If the

man says no, he will not do the work, he loses his job. The identical same thing with a ladder; he has a ladder that is, in his judgment, unfit to get on. If he won't use it the boss will say, "You may go home." A city this size should have some one man that could take this matter up. Take that building, every man on that job is liable to fall off; it might kill him or he might be crippled for life. The man that fell from St. Mary's church was crippled for life. He went to court and it was pretty near two years before he got anything. Our headquarters paid his claim just the same as if he died. Have somebody that we can state our case to, somebody that does not care for the big fellows and who will enforce the law.

CHAIRMAN.—Is Mr. St. Clair here of the Sheet Metal Workers?

Mr. W. A. ST. CLAIR.—I don't know that I could add a great deal to the present remarks. The trade I represent is chiefly the building trade. In the headlight works and canning factories and places of that kind they lose fingers, and they come out of those works, fourteen, fifteen, sixteen years old, with one or two fingers left on a hand. Of course, I am not connected with the factories, but I know those conditions.

Mr. COTTON.—Is there any way to help the conditions?

Mr. ST. CLAIR.—Guards would prevent a lot of it. I could investigate that and be prepared to answer a little latter better than I can at the present time.

Mr. COTTON.—That is what Mr. Phillips wants, further light. If the gentlemen from each industry would formulate your suggestions to be submitted to us in writing. It is very probable that we will meet in Buffalo, but in the meantime you can organize each industry and formulate just what measures will aid in that industry; and this question of enforcement of the law, of course that is up to this Committee to devise such legislation as will increase the enforcement.

Mr. O'ROURKE.—We have a Railroad Commission, I believe, that examines all accidents do they not?

Mr. COTTON.—They investigate a certain number of them.

Mr. O'ROURKE.—Now, if the Legislature wants information on the lines of causes of all those accidents, why wouldn't a commission of that kind, especially in the large cities, do? Say a man falls on that building to-day; just as soon as he falls, whether he belongs to an organization or not, we will go to that man and say, "This man is hurt." This man will come and in-

investigate all the facts for the man and the employer, and he would have that at the time the accident occurs. Why wouldn't it be a good thing, then, if it's a good thing on the railroads? I believe that would be a good thing to have a commission and then have deputies in large cities like Rochester and Syracuse, to investigate.

Mr. COTTON.—For your information, while it does not particularly apply to your trade, the Commissioner of Labor does do that and should do it as far as he can for most factories throughout the State and in mines and tunnels and quarries. Of course, it is not possible to investigate every accident for the purpose of fixing the blame, but he does or should investigate with a view of some idea of prevention. There is some such person, but he does not seem to be in touch with all local conditions here.

Mr. O'ROURKE.—If we had one man stationed in Rochester where we could go at any reasonable hour, he would be there and we could lay our hands on him when there was a violation. I understand there is a violation on the State Industrial School. Write to Albany, maybe you will get a letter in a week; maybe it will be a month.

CHAIRMAN.—Mr. Albert Roegner of the Building and Street Laborers.

Mr. ROEGNER.—I don't know as I am able to say much about this. As I am not on the committee I did not give this matter much attention. As far as the buildings are concerned, they don't fall from the scaffold, but they generally fall from the elevator, as far as my experience goes. These mason foremen they never get the work done fast enough. I know of where a laborer had brick or mortar half way off the elevator; the bell rang, and down went the man with the elevator, bricks and all. It is seldom that a man falls from a scaffold—generally from the elevator. Of course, I haven't taken up this matter and couldn't give a full statement of it, but I will take it up later on with the other building trades and see that I make some kind of a report about it. That's about all I can say just now.

Mr. O'ROURKE.—From what has been brought up, of course we represent the central body and the organized workers. At the same time we stand for the interest of

all the workers and railroad people, bricklayers and several other organized trades that are not yet connected with our party; yet we will go out and get what information we can. We will bring it up in our meeting and correspond or talk with the railroad people and bring up matters the same as we are bringing it in for our local organizations, and present this to you, either mail it or if you have a meeting again, of course we will come before it.

Mr. MCFARLIN.—How long a time might we have? I think a better plan for us to adopt is this: Let us get in touch with the other organizations that are interested in this matter and call a committee meeting and formulate a general law. I find that members of the Legislature will hear a story of a laboring man in the East and get it in the West and you get confused. Now, get a general report; general report written out, covering all the trades, and grievances of all the trades and fault they have to find with the present system, etc. You have something then to build on. Better way would be for us to have a general meeting and then file a general report covering all the matters. Get it separate and you find it just the opposite sometimes.

CHAIRMAN.—You had better take up the question of getting the report and we would like it by the first of November.

Mr. COTTON.—If the labor organizations could come more or less to a conclusion of what they want and of what is square to them, it is a very important thing to have it adjusted in that way so that we will not be confused about a lot of unimportant matters. At the same time that does not mean that because it is left with a general body the various trades don't want to think of it. Each trade should take it up.

CHAIRMAN.—I think that would be desirable, even though they make a general report, each individual report should be received by the general conference, to be sent to you.

Mr. COTTON.—The idea suggested by Mr. McFarlin is a general report; work the thing out in a general report but subdivide it so as to take up each trade. They are the men who know about their particular industry.

CHAIRMAN.—The Committee will now adjourn.

NEW YORK, *December 16, 1909.*

INSPECTION TOUR OF SUB-COMMITTEE ON CAUSES OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman.*

Senator FRANK C. PLATT.

H. L. SCHNUR, ESQ., *Assistant Factory Inspector*, of 58 Congress Street, Buffalo, N. Y.

The Subcommittee met at the office of the Western Electric Company, 463 West street, New York City, at 10:30 A. M.; Messrs. W. F. Hendry and J. H. Passmann, representing said company.

Chairman PHILLIPS.—Our Subcommittee is a committee on the causes and prevention of accidents. We have taken some testimony, and we thought we would go through some of the plants here in New York and find out what we can in a practical way about it. We are not mechanics, but we have got to acquire some knowledge of the use of machinery, and if you can tell us what your system of preventing accidents is, it will be a help to us.

Mr. HENDRY.—Well, I don't know where to commence. Perhaps if you ask questions I will be able to take care of it.

Chairman PHILLIPS.—You have some organized method of looking after the safety of your employees?

Mr. HENDRY.—You mean protecting them from injury, from the machinery?

Chairman PHILLIPS.—Protecting them from the machinery and accidents.

Mr. HENDRY.—Oh, yes, we try to obey the rules of the factory department as well as we can, and in a great many cases we go a good deal further.

W. F. HENDRY.

By Chairman PHILLIPS.

Q. You are superintendent of the plant?

A. The superintendent is away to-day, but I am assistant to the superintendent.

Q. Do you have any system of your own whereby you discover defects in your machinery, or the need for guards? A. Yes, sir; we have an inspection system, and the inspector examines a certain department every day, and on the blank which he fills out he must answer the question which all of the factory rules, that is the Factory Labor Law, requires, stating that all the rules have been observed.

Q. By employees and by everybody concerned? A. Yes, sir. It takes this man about two weeks to make a complete circuit of all departments. Therefore that question is answered every two weeks for every department.

Q. Does he have any other duties in there? A. Yes, he has other duties; he has also to see that the laws of the city are being complied with, and also the laws or rules in connection with the insurance hazard.

Q. Your fire insurance? A. Yes, sir.

Q. But those are his sole duties? A. Those are his sole duties.

Q. Inspection generally? A. Yes, sir.

By Senator PLATT:

Q. Do you carry casualty insurance here? A. Not for machinery, no. We have casualty insurance for boilers and elevators.

Q. You carry your own risk? A. Yes, sir.

By Chairman PHILLIPS:

Q. As far as employees are concerned, no employers' liability insurance though? A. No, sir.

Q. What do his reports generally show, that everything is all right? A. No; every once in a while there is a set screw found on a countershaft somewhere; there is a standing rule, however, that the man responsible for the set screw will be discharged.

Q. What do you mean by a set screw? A. One of the most common causes of accidents in the past in factories has been due to men catching their clothing on a set screw; in case they might be oiling or fixing a belt or something, and the factory inspectors look for set screws and we look for set screws.

Q. Ordinarily they are counter sunk, is that the term? A. Yes, sir.

Q. So that they are below the surface? A. Yes, sir.

Q. But do they sometimes loosen? A. No; sometimes an irresponsible employee will put in a set screw that is too long.

Q. Oh, yes, that is it? A. Yes, sir.

Q. Do you have any trouble on the part of employees not using safety devices? A. Yes.

Q. When they are furnished? A. Oh, yes. We have those notices that the Department of Labor have printed, a little notice about 3 x 6 inches, which is too

small to be noticeable in a factory. We have had them reprinted on red cardboard about five or ten inches, and have posted them all over the factory. Do you know the notice I refer to?

Q. I don't know it. A. It is a statement of the law and the penalties; I think it is \$50 fine.

Senator PLATT.—\$25 to \$50.

Mr. SCHNUR.—I may say at the present time the Department has had them made up in size about five by seven or eight inches. We found that they wanted larger ones.

THE WITNESS.—Yes.

By Senator PLATT:

Q. What do you do in case any of the employees disobey those rules or instructions; discharge them? A. We have discharged them in the past. Previous to the posting of those notices we have discharged them; but the posting of those notices has had a very beneficial effect. They don't do anything—at least they don't seem to be as careless in that particular as they used to be.

By Chairman PHILLIPS:

Q. Is your inspection by this inspector that you referred to limited to the physical condition in the factory, or does he investigate the methods by which men are operating particular machines, whether proper rules are being followed in the operation of a dangerous machine, or a particular machine? A. If he knows that the man is jeopardizing his fingers or something like that, he would make a note of it, but unless it was something quite noticeable he would not pay any attention to it.

Q. I suppose the duty of making rules for operating any part of your factory or any machine probably falls to your department then? A. Yes, sir.

Q. Do you have any method of ascertaining whether those rules are being obeyed by the employees? A. Well, the supervision of the foreman and assistant foreman. For example, all the operators in the punch press department are provided with tweezers for placing the parts under the punch, and in some cases they have been noticed to omit the use of the tweezers, and in such cases, or in most of such cases, they have been discharged.

Q. Of course, foremen are interested more particularly in the productive end, I suppose? A. Well, if any foreman has too many accidents in his department, he is called to account for it, whether it is his fault or not.

Q. So that he has the safety end of the problem in mind? A. Yes. Of course the general foreman and myself are constantly walking around through the factory, and if we see any practices which we believe are hazardous, we have them stopped.

Q. Your inspector is a mechanic? A. Yes; that is, we took him out of the shop; he has attended Cooper Union, and has acquired a fair engineering education now. He has been out of the shop some eight years.

Q. How long have you had an inspection? A. We started about ten years ago; that is, we made it a routine matter about ten years ago.

By Senator PLATT:

Q. Do you report every accident to the Labor Department? A. In accordance with the law. The law states that any accident necessitating the cessation from labor for five hours or more shall be reported.

Q. But now, for instance, a man injures his hand in a small way, and he may be off for a few moments or something, and goes on to work, wraps it up and goes on to work and works for a few days, then blood poisoning sets in or anything of that kind; after that he may lose his hand. Do you report that accident? A. That has never happened. We report an accident if it develops.

Q. If it develops into something? A. Oh, yes. I think the law requires that.

Q. Suppose a man does not lose any time for a week or possibly two weeks? A. We report his accident eventually. We have a great many cases where a man cuts his finger and don't say anything to anybody about it, and he comes back a week afterwards, or at least a week afterwards he is absent; upon inquiry we find that some such thing has happened to him, and of course then a report goes through.

By Chairman PHILLIPS:

Q. You think, Mr. Hendry, that it would aid in the prevention of accidents if in all large establishments there was a man to whom all orders and rules for the operation of the particular parts of the plant or machinery were submitted, that he might determine the effect of those rules upon safety, and whether ample rules were made for the operation of particular machines? A. It don't seem to me that any one man could be sufficiently expert in the operation of all the different kinds of machine tools to be as good a judge on that subject as the foreman in charge of that particular branch.

Q. And you think the foreman in charge of a particular branch of the work looks after the safety completely, or is he embarrassed in that end of his work by his feeling that he has got to get out the product; that he has got to keep the productive end of his department up to its efficiency and capacity; that is, is there apt to be a conflict of those two duties? A. There is bound to be more or less of such a conflict; that occurs in everyone's life. When you start out in the morning you may run for a trolley car or you may walk, but it would be safer to walk. A man has to be his own judge in those matters. We have to trust to our foremen to a certain extent; if they show bad judgment we eventually suffer for it.

Q. Do you think that the average workman at work in his particular department or branch has in mind the safety of himself and his associates to as large an extent as he has in mind the performance of his other duties, to getting out the work? A. I think that piecework operators as a rule do not give much thought to the matter of safety.

Q. Especially the safety of their associates? A. Well, that phase of it really doesn't come into the question in our factory, for the reason that so far as I can remember at the moment there are no cases where two men working together get hurt, that don't enter into it here. I can understand that it would in some lines of business. For instance, in printing I believe they have a press feeder, a pressman, and one man can hurt the other, but there are no such classes of machinery here.

By Senator PLATT:

Q. You have large machines to handle here, don't you? A. No. The only thing we build here, are telephone transmitters and receivers.

Q. You have no large machines? A. No, it is all small machinery in enormous quantities.

By Chairman PHILLIPS:

Q. What reason do the men give, if any, for not using the safety appliances when they are furnished? A. Well, the only reason that they give when they give any, is that it is too much trouble. In the few cases we have had where they have actually had an accident and had to account for not using it, they did not say much; they apparently felt that they had been wrong and had no excuse.

Q. Well, to what do you attribute their failure to use them? A. To the fact that it would take an appreciable length of time

to change the fixture for the work which they had in hand.

Q. They have to change the fixture, that is, it cannot be left there permanently? A. The only cases such as you mention have occurred in our woodworking department, and there were guards for the rapidly revolving cutters of woodworking machinery, and the guard was adjustable for height. If you put in a one-inch board you had to raise your guard so that the one-inch board would pass under it, and so on, and they don't bother; they simply pull the guard out of the way entirely.

By Mr. SCHNUR:

Q. That is on the shaper? A. Yes. We also had a guard which we recently installed, which we obtained from our Paris factory for a circular saw; that is the only guard of that kind I have ever seen. It is the best guard that I have ever seen for a circular saw. You know to properly provide against all the contingencies that may arise in handling a circular saw requires quite an elaborate affair. This device is arranged to prevent the wood pinching the saw, to prevent the man from falling on the saw, to prevent the wood kicking back hitting him in the stomach; it is quite an affair.

By Chairman PHILLIPS:

Q. It is of French manufacture? A. Yes; it is in use in our Paris factory, and one of the gentlemen here was over in Paris last year and noticed it, and so I wrote to Paris for a blue print of it, and when I got it I built one and put it on here.

Q. Do you think that employers now have any difficulty in finding out what safety appliances are on the market? A. Yes. I never heard of this Jones buzz planer guard. I never heard of it before, and as far as I know, no representative of theirs ever called here to illustrate the thing. Did you ever see it?

Mr. PASSMAN.—Never saw it until I saw it in operation.

THE WITNESS.—Mr. Williams and Mr. Passman and I went up to the exhibit.

Q. The Museum of Safety?

Mr. PASSMAN.—At the American Museum of Natural History.

Q. That is the first place you saw it? A. Yes, sir.

Q. And then you thought it was good? A. Yes, sir.

Q. That brings us to another question. It has been suggested that it might be a public benefit if the State was to make an appropriation or do something for the maintenance of a permanent museum of

safety, possibly with branches through the State where employers would have an opportunity, and employees also, of finding out what safety appliances are on the market; possibly lectures in connection with it; a general educational scheme, to educate both employers and employees in the use of safety appliances. Do you think the State would be justified in expending money for that purpose? A. It don't seem to me that any arrangement of that sort would be of much value. I would suggest preferably the publication and distribution of illustrated literature describing these various devices; it would be much cheaper and have the same result.

Q. You think it would have just as good a result as the actual demonstration of the machine? A. Yes; because certainly the kind of help we have in this factory would not bother to go to any lectures, and the employers are usually too busy. I stayed a whole afternoon the day I went up there with Mr. Williams and Mr. Passman

Q. And yet you derived a benefit from going there? A. Yes, because I was interested, but that happened two years ago, and I have not been anywhere since.

Q. I don't think there has been an exhibit since then. A. I don't know.

By Senator PLATT:

Q. An employer would not take the time to go to a place of that kind, would he ordinarily? A. I do not think that the average employer would.

Senator PLATT.—Do you have many accidents?

Mr. PASSMAN.—We have a moderate number considering the number of employees and the various capacities in which they are employed. I cannot say that we have an excessive number.

Senator PLATT.—Most of them minor accidents, however?

Mr. PASSMAN.—A very large proportion of them are what might be called very minor.

Senator PLATT.—Do you employ over 2,000 men here?

Mr. PASSMAN.—We have now actually engaged in the shop in connection with the manufacturing departments and our general shop organization about 2,400 people.

Chairman PHILLIPS.—Do you have any particular scheme for compensating the men who are injured?

Mr. PASSMAN.—Well, yes, we do. That is done, however, by drawing the lines on allowances pretty fine as to the cause of the accident.

Chairman PHILLIPS.—Do you pay something in all cases?

Mr. PASSMAN.—No. If a man is hurt as a result of any fault of ours, we pay him not only full time, but we pay any expense connected with it.

Mr. HENDRY.—There is one point I think you gentlemen ought to have brought to your attention very forcibly, and that is the gross negligence of the average employee. You may not believe it, but I have the names and addresses on file here that I can hand to you of I think seven employees who have smashed or cut their fingers since last January on a foot press. That may not make an impression on you if you don't know what a foot press is, but a foot press is operated by the employee's foot. It is necessary for them to very forcibly push with the foot on a lever, which brings down a punch or a cutter on to the work. Now, when seven of them in a year cut their own fingers, what can you do? You will have to put a muzzle on them to keep them from biting their fingers off.

Mr. SCHNUR.—In other words it is a machine not driven by motive power?

Mr. PASSMAN.—No; you have to kick it with your foot.

Mr. HENDRY.—Do you think the employee ought to bear any share of the expense in a case like that?

Chairman PHILLIPS.—Of course, if seven men do it —

Mr. HENDRY.—They were not all men; some of them were women.

Chairman PHILLIPS.—It might look as though there was some tendency that way, that it was hard for the average workman to overcome.

Mr. HENDRY.—But how can you imagine a person actually pinching their own finger on a job that they are doing day after day? You may pass through a door and catch your finger in the door and smash it; that is because you don't do that very often, you don't go through that door in just that way, but I cannot conceive how they do it, it is simply that their mind must be on something entirely foreign to what they are doing.

Senator PLATT.—Perhaps it requires so much pressure to operate it that their mind is on that?

Mr. HENDRY.—There is no pressure on the thing whatever until the punch strikes the object.

Senator PLATT.—Now, I know, but there is a pressure there.

Mr. HENDRY.—No, it swings as easily as a pendulum.

By Chairman PHILLIPS:

Q. Is it due then possibly to the fact that the man's mind is on his foot for the

purpose of operating the press, and he forgets where his finger is at the time? A. Undoubtedly it is due to something of the kind.

Q. The only query I had if it occurs so frequently, don't it look as though possibly it was due to an inherent condition on the part of the average employee or average individual, that having his mind upon his foot he forgets his finger or some other part of his body? A. Well, undoubtedly he forgets his finger, but why he should forget his finger I don't know.

Q. If it comes to be the general rule among men, can you call it negligence? A. I should certainly say from the fact that it happens seven times in a year it would indicate that the help was very careless. That is only one instance. We have had other cases where people have cut their finger with a pair of scissors. Perhaps that will impress you more forcibly.

Q. While they were cutting some material? A. Yes. We have had two cases on record since last January of people that have cut their fingers with a pair of scissors. Do you think employees ought to be compensated for such carelessness as that?

Mr. PASSMAN.—Why don't you express an opinion on that?

Chairman PHILLIPS.—I have no opinion upon the subject at all. We are just looking for information.

Mr. PASSMAN.—I know.

THE WITNESS.—If your own offspring did a thing like that you would probably say, "That's good for you."

Senator PLATT.—But it does. Those things occur in everyday life.

THE WITNESS.—Sure, and it is a uniform dictum, I guess, that such a thing is the fault of the party holding the scissors, not the fault of the party that handed him the scissors.

Senator PLATT.—No question about that. Now, supposing you have an employee who has been with you for a long period of years and who has been faithful; he has worked for the interests of the concern, and he is injured; although it may be his own fault, do you take care of him in any way?

Mr. PASSMAN.—That would depend very largely upon the nature of his accident and what degree of carelessness entered into the accident. We might minimize the question of carelessness with a very old employee, but in making an allowance on account of an accident the question of employment, the length of employment, cannot enter into it merely to the extent that the question of either care or carelessness must enter into it, particularly with a large

force. If our force was small it would be an entirely different question, but where you have got a very large force you have got to draw your lines pretty fine. Of course, as I said in the first place, if it was a very old employee we might minimize the question of carelessness.

Senator PLATT.—We ran across a concern the other day that employed about 1,200 men; they pay for all accidents, take care of their men whether their men are careless or not.

Mr. PASSMAN.—Full time?

Senator PLATT.—Full time; and if a man is absolutely careless and is maimed for life, they take care of him absolutely and pay all his bills. They claim that previous to that time and previous to the time the superintendent took charge of it, that they were not well thought of in the community; in fact, everybody was opposed to them; they were not paying any dividends to speak of; now they are paying fairly good dividends just like any other corporation of the city.

Mr. PASSMAN.—I suppose they had had suits before that?

Senator PLATT.—I presume so, to some extent.

Mr. PASSMAN.—How does their present attitude affect the question of suits?

Senator PLATT.—There are no suits at all; and the present superintendent told us they get a great deal more work out of them; they are satisfied all the time; he said he did not think they had been imposed upon. He told us that, didn't he?

Chairman PHILLIPS.—Yes.

Mr. PASSMAN.—May I ask what line of business that firm is in, without mentioning the name of the firm?

Senator PLATT.—Gas, electric lights, and things of that sort.

Mr. HENDRY.—Yes, but that wasn't in New York city, was it?

Senator PLATT.—No, it wasn't.

Mr. HENDRY.—You must remember in a rural community you have an entirely different condition to deal with.

Senator PLATT.—This was not altogether in an exactly rural community; nearly so, I think.

Chairman PHILLIPS.—Nearly so.

Mr. PASSMAN.—I will tell you. You can't help but admit, Senator, that outside of the city of New York the conditions governing that sort of thing are entirely different.

Chairman PHILLIPS.—You mean your men are not as permanent in a city of this size?

Mr. HENDRY.—You could not do the same thing in this city as you can do in a

city the size of Albany; everybody knows everybody else in Albany.

Mr. PASSMAN.—The conditions between New York city and every other section of the State are entirely different. If an accident is due to any violation of the rules or what we would construe and the man would admit as a violation of care, we would not allow him anything.

Senator PLATT.—Would you pay his doctor's bills?

Mr. PASSMAN.—We might do that if it was a serious case. If it was a case of no special importance I don't know but what we would even refuse to do that, because I personally rather feel that it is better to make the man feel the result of his carelessness. He has violated some principle and he should pay the penalty.

Senator PLATT.—Do you think it would make him any more careful?

Mr. PASSMAN.—Yes, it does. Our experience has taught us that if it is an accident that results from no special violation of a rule that happens in the regular course of his work, that is a mere accident, not from any carelessness, but a thing that results from force of habit in connection with his work, we would allow that man half time probably during his entire period of disability, and would also pay his doctor's bills and, if necessary, see that he got competent treatment. If the accident was due to any other causes, for instance any fault of ours, in the case of breaking of machinery or anything of that kind, we would take the very best care of the man that could be taken, and no expense spared in connection with it.

Senator PLATT.—Pay him full time?

Mr. PASSMAN.—The question of expense would not enter into it.

Senator PLATT.—Suppose he lost an arm or a hand, what would you do in a case of that kind?

Mr. PASSMAN.—We would not only compensate him for the time he was off, but we would find some position for him after he was able to return to work.

Senator PLATT.—At the same wages he had when he was injured?

Mr. PASSMAN.—Or a competent wage for him to live upon.

Senator PLATT.—I want to give just an illustration there of a concern I know of. One man went from one department to another, and there was a sign over the machine: "Do not touch this machine, dangerous, nobody allowed to use this only members of this department." He was getting \$2.40 a day. The superintendent ordered him to keep on. He came back and lost part of his hand, and they would

keep him at the same wages as long as he wanted to stay. He stayed a little while and then left; they put a man in there at \$1.35 a day, a boy or something to run the machine, his job. He just sued them for \$12,000. An ambulance chaser got after him you know, and sued them.

Mr. PASSMAN.—That is something that you are liable to have.

Chairman PHILLIPS.—Of course, your accidents here are not of the serious kind that some manufacturers have?

Mr. HENDRY.—No; our machines are too small.

Chairman PHILLIPS.—You don't have the real difficulties that they have.

Mr. HENDRY.—No.

Chairman PHILLIPS.—For the purpose of getting it into the record, may I state this, and the stenographer can take it down, and if you don't want it we will strike it out, that it has been suggested to us from different sources that conditions in New York city are different than they are in smaller communities, in that there is a more floating population, and that even among the people who live here, they float from one shop to another more than in a smaller community, and that that affects the relation between employer and employee here in a different way than it does up-State in smaller communities. Do you think there might be something in those suggestions?

Mr. HENDRY.—Wait a minute now. I will just call your attention to something, I have forgotten the exact statistics, but if you draw a line from Astoria, Long Island, west to Hackensack; then south far enough to include Bayonne, then east to Brooklyn and back to Astoria, in that area you have covered one-third of the total manufactories of the United States, I think the figure is one-third. Now, don't you imagine that the conditions in such a small area as that would be somewhat different than they would out in Buffalo?

Chairman PHILLIPS.—The opportunity is greater than here for men to go from one place to another.

Mr. HENDRY.—Yes, exactly.

Mr. PASSMAN.—The secret of the whole thing is the ability to get work.

Mr. HENDRY.—A man can live almost anywhere in that area and work in almost any other part of the area, and of course he feels necessarily much more independent—I don't know as independent is exactly the right word; at any rate, the point is whenever he gets tired of one job he can find another without having to move.

Chairman PHILLIPS.—I think it is enough to suggest to us the possibilities

arising out of the difference in population and conditions.

Mr. HENDRY.—That is the secret of it.

Chairman PHILLIPS.—Of course the effect of it may go in a good many different directions.

Mr. HENDRY.—Yes.

Chairman PHILLIPS.—Probably a good foreman machinist in Rochester gets what you call a reputation if he is a good mechanic; manufacturers there would know him, while here he is lost.

Mr. HENDRY.—Yes. We never have or almost never have any responsible employee leave us. It is the operators that float. A foreman or even an assistant foreman seldom leaves the Western Electric Company.

Chairman PHILLIPS.—Then I suppose the increase in the use of automatic machines increases the number of operators who can float from one place to another?

Mr. HENDRY.—Yes.

Chairman PHILLIPS.—It must affect their conduct towards each other in a way; that is, there is not the same close personal relation between a floating working population, is there?

Mr. HENDRY.—No, there can't be. You know the reputation everybody that lives in New York has, whether they belong to the laboring class or not. A man that lives in an apartment house don't know the man that lives across the hall; he don't speak to him for year after year.

Chairman PHILLIPS.—We have taken your time quite a little. Have you any suggestions to make to us by which we can help to reduce the number of accidents?

Mr. HENDRY.—I don't have time to think about it. But there is one thing that has been on my mind ever since I first heard of this Commission, and that is, that somebody ought to tell them how grossly careless the average young employee is. I have already told you that and given you a few examples.

Chairman PHILLIPS.—We have been holding public hearings here, and have been anxious to have people come and tell us the difficulties.

Mr. HENDRY.—I did not know it until one day Mr. Williams called me up at ten o'clock, and wanted me to be down at half past ten and speak before the Committee, which was somewhat difficult to do.

Senator PLATT.—Mr. Hendry, don't you find the older men, especially the married men, much more careful than a single man—a young man?

Mr. HENDRY.—Certainly.

Senator PLATT.—And don't you find that the older they get the more careful they are?

Mr. HENDRY.—Yes.

Senator PLATT.—You don't think then that a mechanic after he gets to be 50 years old, that he is more apt to be careless than he is when he is younger?

Mr. HENDRY.—I have never noticed any such tendency.

Senator PLATT.—It has been stated to the Commission, I think by some manufacturers in Syracuse, that they noticed that a large number of these accidents occurred late in the afternoon, a larger number of them; have you ever noticed that here?

Mr. HENDRY.—I never noticed it. Have you noticed it, Mr. Passman?

Mr. PASSMAN.—Spread out over all hours of the day.

Senator PLATT.—They claim that their largest number was in the afternoon.

Mr. HENDRY.—A man gets tired, is that the idea?

Senator PLATT.—It showed that the sanitary conditions were not perhaps as good as they might have been.

Chairman PHILLIPS.—I suppose a poorly ventilated shop might have that effect.

Mr. PASSMAN.—That would have a very marked effect on it.

Senator PLATT.—What do you think, Mr. Hendry, about the factory inspection, is it ample or isn't it?

Mr. HENDRY.—No, I do not think it is ample. I would hate to try to cover the ground that those people cover with the amount of time that they have.

Chairman PHILLIPS.—That is, you find it necessary to keep one man going in this plant?

Mr. HENDRY.—Yes. There are not enough factory inspectors to do the work right in my opinion. They don't get here but about once a year.

Chairman PHILLIPS.—Do you think there ought to be an electrical engineer in the factory department?

Mr. HENDRY.—Well, you mean on account of so much electrical machinery?

Chairman PHILLIPS.—Yes.

Mr. HENDRY.—To inspect the hazard of an electrical shop?

Chairman PHILLIPS.—Yes; who would be conversant with the operation of manufacturing of electrical appliances.

Mr. HENDRY.—I don't believe that there are over half a dozen accidents in a whole year in an electrical shop. No. Almost all of the factory inspectors that have come here have been very competent men and very nice fellows to get along with.

Senator PLATT.—Let me interrupt you right there; aren't they too nice?

Mr. HENDRY.—No.

Mr. PASSMAN.—They hold you down good and proper, I will tell you.

Mr. HENDRY.—No, I don't think they are. I never knew any of them that were too nice. They are not easy, if that is what you mean.

Senator PLATT.—That is what I mean; of course they have got considerable power and authority at the present time, but do they exercise it?

Mr. HENDRY.—Yes. In one case here we had one man, I have forgotten his name, who was very objectionable. He evidently came in here with the idea that he had to find something, not to see what the conditions were, but to catch us doing something. He probably thought somebody had been talking corporations to him, how corporations were grinding the poor or some such tommyrot as that; he was very objectionable, but aside from that one case, the men have been very reasonable.

Chairman PHILLIPS.—Have they made any recommendations to you?

Mr. HENDRY.—Yes.

Chairman PHILLIPS.—That have been beneficial?

Mr. HENDRY.—Yes; there have been recommendations that we considered were more or less arbitrary, but we didn't argue too much.

Chairman PHILLIPS.—Do you mind giving us one of those cards that the inspector makes his report on when he gets through the department?

Mr. HENDRY.—Not at all.

Chairman PHILLIPS.—Do you keep a record of your accidents aside from the one you send?

Mr. HENDRY.—Oh, yes.

Chairman PHILLIPS.—Don't you find that your pension scheme has a tendency to make men more permanent?

Mr. HENDRY.—Yes.

Chairman PHILLIPS.—That is an element with them?

Mr. HENDRY.—It is not an element with the kids under twenty, but when they get around twenty-five and older than that I notice it. As I said, I do not think there are enough factory inspectors to take care of the Metropolitan district.

Senator PLATT.—I think there is no question about that. I was talking with a superintendent recently where I reside, and asked him what he thought about the factory inspection. Why, he said, in a way they are all right. He said when they come in our shop they act as though they were afraid, as though they were doing something that they should not do. He said I think if they would exercise their authority and power more they would ac-

complish much more. We are always ready to carry out any suggestions they make.

Mr. HENDRY.—I have never noticed anything of that sort.

Senator PLATT.—Maybe you have a different kind down here in New York.

Mr. HENDRY.—Whenever a woman inspector comes in here, she goes right up to the female help and talks to them and asks them if they have anything to complain about. That has happened a number of times when I have been out around with the female inspector.

Senator PLATT.—Do you employ a large number of women here, girls?

Mr. HENDRY.—Yes, about 500, I guess. You see this sort of manufacture is light, very light work, a good deal of it; it can't be done by men.

Chairman PHILLIPS.—Your work is all Bell 'phones?

Mr. HENDRY.—Yes.

Senator PLATT.—We want to get all the information we can get. I don't think there are any of the members of the committee that know a whole lot about the inspectors. Who is the deputy inspector here?

Mr. SCHNUR.—Mr. Walling comes down from Albany Friday and Saturday, and he takes up the question of ventilation of factories, and of course there are droves of people that want to see him personally, and to know what requirements are necessary in their factories, and I think one day when I was in the office had twenty appointments.

Chairman PHILLIPS.—You don't have any foundry work here, do you?

Mr. HENDRY.—We have a brass foundry.

Chairman PHILLIPS.—A stove manufacturer in Rochester told me the other day that they had just expended several thousand dollars putting in an exhaust system, and they put their foundry in a very model shape. Do you think if the owner of a foundry expends a large amount of money for ventilation and things of that kind, it is all lost to him looking at it purely from a financial view; does he get any better results from his men?

Mr. HENDRY.—Well, in a foundry I should think he might, yes. That is something it would be a pretty hard thing to ascertain.

Senator PLATT.—The more comfortable you are in any factory, the more comfortable you make your men, the better service you get, don't you?

Mr. HENDRY.—Yes, I think so. Still, of course, there is a limit to that. Your idea

of comfort and someone's else might not work alike.

Senator PLATT.—I don't imagine a man in an ill ventilated room or anything of that kind, can give as good service as he can in a well lighted, well ventilated room?

Mr. HENDRY.—Probably not.

Senator PLATT.—What line of factories have the most serious accidents?

Mr. PASSMAN.—The largest number or the more serious?

Senator PLATT.—The largest number.

Chairman PHILLIPS.—They lose fingers and things of that kind in a woodworking shop, but they do not have the really serious accidents that incapacitates them, do they?

Mr. HENDRY.—They take their hands off.

Mr. PASSMAN.—They get as serious accidents in a woodworking shop as they get anywhere.

Mr. HENDRY.—But they don't have the same number of employees in a woodworking shop?

Mr. PASSMAN.—No. I think that where you get the greatest number of accidents that are serious and not to permanently incapacitate a man is in foundries where they get burned with hot metal, in large foundries, a man spills a pot, or he dumps it over on his foot; that sometimes lays a man up for a long time, but it don't permanently incapacitate him.

Senator PLATT.—I should imagine in a place of that kind there are things that are sort of unavoidable.

Mr. PASSMAN.—I think there is a large number of those accidents in those places, I don't speak from experience because we have no such condition here, but I should say that there were a very large proportion of those accidents that were unavoidable, wouldn't you, Mr. Hendry?

Mr. HENDRY.—In foundries?

Mr. PASSMAN.—Yes, to a large extent.

Mr. HENDRY.—I don't know; the way they usually happen there is one of the men carrying the ladle stumbling and the iron shops over. It is a well-known fact, I have heard you mention it yourself, that if a woodworking man or a punch press man applies to you for a job and says he has had ten years' experience, you always ask him to show his hands.

Mr. PASSMAN.—That is very largely so with machine woodworkers.

Mr. HENDRY.—Those are two classes of employment that take off fingers.

Chairman PHILLIPS.—By the use of safety devices, is it possible to prevent most accidents of a woodworking shop, if the appliances are used?

Mr. HENDRY.—I should think it would be. I don't see how a man possibly can get hurt on a buzz planer provided with a Jones protector, if he will use it.

Chairman PHILLIPS.—You don't know to what extent the safety devices are used in woodworking establishments; have you any knowledge of that?

Mr. HENDRY.—The only shops I have ever been in never had any.

Mr. PASSMAN.—And if they did, you usually find them under the bench or under the machine.

Senator PLATT.—Don't you think where they carry liability insurance the employer is not very careful about providing safety appliances?

Mr. HENDRY.—I should think liability insurance would tend to that, but, on the other hand, the insurance company ought to inspect.

Senator PLATT.—They don't, so these manufacturers say that carry it; it is simply a case of getting the business.

Chairman PHILLIPS.—And they make their rate based upon the condition of the shop so that if your place is not in good condition they make you pay a little more rate.

Senator PLATT.—In a good many cases they don't even do that; it is simply a case of get the business.

Mr. HENDRY.—Lots of liability people have tried to interest us, but we could not see it. There is another thing I just happened to think of. You asked me if the tendency would not be for the foreman to push his help, to get out work to such an extent that they might become careless, and I told you that we had to depend on the foreman to a certain extent. I might also add that every foreman receives at the end of a month a statement of the expenses, and that statement is itemized, and the ratio of product to the expense is an indication of the efficiency of his department end of it. That amounts to a great deal with us. The foreman is proud if he has a good record, if his department is efficient; he feels much chagrined if it is not. Now, if a man meets with an accident and he is paid his wages, all those wages are charged right up to that department just the same as though the man was working there. Consequently it materially affects the efficiency of the department. While a foreman is undoubtedly interested in getting out the output, he is also interested in getting it out at a minimum cost, and it does not help him any to have accidents.

Chairman PHILLIPS.—Do you have trouble with any of your men in their fail-

ure to use safety appliances that you have in the woodworking shop?

Mr. HENDRY.— We used to have a little trouble, but now our woodworking shop is so handled that it don't amount to anything. The bulk of it was all moved to Chicago about a year ago, but that was the particular case, where I believe we had an injury due to the man taking the thing off and throwing it underneath the bench, because it was too much trouble.

Senator PLATT.— Mr. Hendry, what would you think of doing away, in the present liability law, of the fellow servant clause and assumption of risk; how would it affect you people here; it wouldn't affect you very much, would it?

Mr. HENDRY.— It might affect us, but I do not think it would be right to eliminate it. I think it perfectly proper that the employer should see to it that his employee is a decent careful man or at least as decent and as careful as he can find.

The sub-committee having finished their examination of the plant of the Western Electric Company, then proceeded to the office of the American Can Company at

444 West 15th street, where they inspected the factory. At this plant Mr. Dougherty, the foreman, stated that when the workmen are employed at piecework you could not stop them from taking off the guards, because without them they could work faster; that they had to discharge men for taking guards off; that they had very few accidents. He also stated that they could not hold their employees in their positions, but that invariably as soon as they became accustomed to the work they asked for a raise in prices. Most of the employees were foreigners and came to the shop and worked a little while for experience, and as soon as they became somewhat Americanized they left; that they were an entirely unreliable, negligent class of workers. In this factory the sub-committee found a screw not countersunk on a revolving shaft at the outside thereof in a passageway that the employees used; they also found a guard off from a gearing, which Mr. Schnur directed to be replaced.

The sub-committee thereupon adjourned until tomorrow, December 17, 1909, at 9 A. M.

NEW YORK, *December 17, 1909.*

INSPECTION TOUR OF SUB-COMMITTEE ON CAUSES OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman.*

Senator FRANK C. PLATT.

H. L. SCHNUR, Esq., *Assistant Factory Inspector, of 58 Congress Street, Buffalo, N. Y.*

The sub-committee met at the office of the E. W. Bliss Company, Adams street, Brooklyn, at 10 A. M., and inspected the plant; Messrs. Frank C. B. Page, vice-president; Howard C. Seamans, secretary and treasurer, and Mr. Brown, representing said company.

The sub-committee stated the objects of their visit.

Mr. PAGE.—We are users of machinery, but we also make machinery that the other fellow is going to use. We are in a very receptive mood as regards taking up and adopting anything that is really a safety device. We have tried all kinds of safety devices on presses, and we have yet to find a device that is a safeguard absolutely against cutting off fingers or anything of that kind if a man is careless. Of course we have safety devices on our presses, for instance, a clutch which can't be tripped, so that it is due to the act of the operator himself that the cutting punch comes down. There have been a great many attempts to make that thing absolute so that an operator that had his hand in there there would be some mechanism come down and throw it out. Those things are mechanisms which get out of order just the same as the simpler ones, and there have been fortunes spent trying to develop a really practical safety device. I do not believe there is one in the market to-day.

Mr. BROWN.—That feature of the mechanism is such that when it gets out of order it causes more damage than it would otherwise cause because the man has learned to depend on it.

Mr. PAGE.—There is another bad feature, it affects production; all of these safety devices that have been attempted to be used affect the output of a man.

Mr. SCHNUR.—Most of them operate on piecework?

Mr. PAGE.—Mainly, yes, practically all of them, such a big percentage that you might say all. In that way it affects the income of the operator. In the first place the factory managers don't want it; there are different things to look after and keep

in shape because they are more or less complicated and generally the question of production is very important. The operators themselves have been known in many cases where it has been tried, to put in safety devices, the operators themselves had the things taken off.

Chairman PHILLIPS.—You speak from practical knowledge, Mr. Page, or hearsay?

Mr. PAGE.—Practical knowledge.

Mr. BROWN.—I was told of the several safety devices where we put them on the drill presses the operators knock off the guard.

Mr. PAGE.—I know that has been done.

Chairman PHILLIPS.—Mr. Page, you stated that thousands of dollars had been spent in efforts to get proper safety devices; who expended it?

Mr. PAGE.—We have expended a lot of money, and other people.

Chairman PHILLIPS.—That is, you feel interested in devising safety devices for the machines you send out?

Mr. PAGE.—Yes, I would like to have a safety device.

Chairman PHILLIPS.—How do your customers feel about it; if it is going to add to the cost of the machine do they complain?

Mr. PAGE.—Yes, but I think it is possible if we could get something up that was rather inexpensive and did not limit production and was not complicated—there are three very difficult things to combine even if you get one of them, well it is a hard proposition.

Chairman PHILLIPS.—I suppose, so far as the use is concerned, even though production is limited, the saving of accidents more than compensates for the loss of production.

Mr. PAGE.—If you could get something that would prevent accidents, but I have never seen such a thing myself. Our mechanical heads here have yet to see a device which they would approve of.

Chairman PHILLIPS.—You cover all cogwheels and those things?

Mr. PAGE.—Yes.

Chairman PHILLIPS.—That is something that goes to the operation of the machines you speak of?

Mr. PAGE.—Yes; my talk is principally devoted to devices to prevent cutting off of fingers in power presses, which happens very often, the most common kind of accident I think.

Chairman PHILLIPS.—Do you guard all your cogwheels before you send them out?

Mr. PAGE.—Yes, we do now; we have done that for the last couple of years.

Chairman PHILLIPS.—That is a better and more permanent guard than the user could put on as a rule?

Mr. PAGE.—Not necessarily; a guard is a guard; they might put on a wooden one, and it would be a guard and answer the purpose.

Chairman PHILLIPS.—At any rate, if it is put on before it goes to the user, it is sure to be there?

Mr. PAGE.—Yes.

Chairman PHILLIPS.—Have you any suggestions to make as to the prevention of accidents generally?

Mr. PAGE.—I think it is right up to the man every time. I don't see what can be done to prevent a man going to sleep at his machine, or prevent his putting his finger under his machine, if he does it himself.

Senator PLATT.—Do you carry liability insurance?

Mr. PAGE.—Yes. At the same time while we have that protection we try to treat our men very liberally. We continue them on the payroll until they come back. We also have a mutual benefit organization; that is an organization which we encourage in our shop.

Chairman PHILLIPS.—Do both sides contribute to it?

Mr. PAGE.—Yes.

Chairman PHILLIPS.—Equally?

Mr. PAGE.—No; the men contribute ten cents a week. I think it is a difficult proposition. I think the manufacturers at large would be glad to do anything they could that was practical and reasonable, but of course the covering of cogwheels and covering a set screw so a man's clothing can't get caught in passing, are practical things that can be done, but the use of power presses throughout this country is very general, and I have yet to see a device, and I have had any number offered, that could be considered practical or would safeguard a man. They are apt to be more dangerous in that the men knowing that they are on there and that they are supposed to be

safety devices, they are more apt to take chances that they would not take without that thing on it. There is no power press that we have turned out that can be operated unless the operator puts his foot on it. It must be an act of his own that brings down the cutting power.

Mr. SEAMAN.—The Travelers Insurance Company was very much interested in that proposition, and they had a department of two or three engineers devote time to the study of safety appliances, and we loaned them two or three of our machines; they had them over there for some time testing out a number of the safety devices.

Chairman PHILLIPS.—You probably know that they have foreign museums of safety where safety appliances are on exhibition; and you probably know of the society here that Dr. Tollman lectures for.

Mr. PAGE.—Yes.

Chairman PHILLIPS.—Do you think there would be a practical benefit of such an institution in this State sufficient to justify the State in appropriating money to keep up an exhibit?

Mr. PAGE.—Well, I don't know. The employers I do not think would take the trouble to go and look at it.

Chairman PHILLIPS.—Wouldn't it be more practical for the Department of Labor to start and set up standardized safety appliances, and come to you people here and say, now here, gentlemen, here is a safety device, wouldn't that be more practical?

Mr. PAGE.—It is possible that the Department of Labor might be able to advise or furnish some safety device; I would not say it is not possible, but we have never seen one yet.

Senator PLATT.—You are talking of some particular machine, but I mean generally.

Mr. PAGE.—When it comes to covering gear wheels and such things, yes, there is no mystery about those things, they can be safeguarded to a certain extent.

Chairman PHILLIPS.—Mr. Brown, in the selling of machines, do you find that the purchaser is more interested in its safety qualification than its productive efficiency?

Mr. BROWN.—As a matter of fact the purchaser knows pretty well the Bliss line of machines, and he does not ask me about its safety because he knows that; but what he asks me is what will it produce, and what does it cost—the productive end of it.

Mr. PAGE.—At the same time I can say this: The user of power presses is very anxious to avoid accidents, because accidents are not only unpleasant things and bad generally, but they also lead to con-

tentions which are costly on both sides, and they would like, there is no question about it, to have a press that accidents could not occur on. We would all like to see that.

Mr. BROWN.—I think that was the point I tried to convey when I gave that answer. The purchasers in general know the Bliss press has got the reputation of less danger, unless something breaks.

Chairman PHILLIPS.—Are the conditions such as to encourage inventors to work along the line of inventing safety devices?

Mr. PAGE.—There have been lots of people working along that line, knowing that if they could get something, necessarily the Legislature would force it to be used if it was a desirable thing to have, whether it cost money or not.

Chairman PHILLIPS.—Would the State be justified in setting mechanics at work on the idea?

Mr. PAGE.—I do not think it is very likely that they would make a success where so many have tried and failed, and they have had an incentive, because the incentive of profit, if nothing else, is enough to a man in a mechanical line.

Chairman PHILLIPS.—If manufacturers were liable for all accidents as they are in England, would that be an incentive to the use of safety appliances and for safety generally?

Mr. PAGE.—Of course I am talking principally of presses that we turn out. I do not see a way, although I may be wrong, where you can get anything safer than for a man to know what is the danger point.

Chairman PHILLIPS.—I am speaking of manufacturing generally.

Mr. PAGE.—I do not see what they could do. Of course, on machine drills, such as we are operating here, it seems to me if a machine is safeguarded in every possible way and conforms to the law as regards safety devices to whatever your experts can conceive to be desirable, I cannot see why a company should be held liable. Now, of course, that is a manufacturer's point of view.

Chairman PHILLIPS.—I suppose some factories are run in better shape than others?

Mr. PAGE.—There is no question about it; it would be right if a question of liability should come up in case the department's regulations are not lived up to as regards safety devices.

Senator PLATT.—Do you think you would get a great deal more work out of your men if they were well taken care of in every accident than they would give under different conditions?

Mr. PAGE.—I don't think so. We do it, but I don't think it makes a particle of difference. I will tell you why. The general rank and file of the working men are so beset as a rule with labor agitators that they are very apt to look at these things from a wrong standpoint. If you do something for the men, they will be told by some of their advisers that you are doing it for some ulterior motive. I am talking about the majority of them; they do not seem to think it possible for the manufacturer to deal liberally with them without some interest back of it in his doing it. Now, we are trying to treat our men liberally. We treat them like men. We want them to work and work hard and all that.

Senator PLATT.—Take the conditions up the State in smaller places where in large concerns they employ a thousand men. I think in a great many cases the employer is better acquainted with his men, he knows their family, and in a condition of that kind there where he takes care of them in case of accident, and he pays them full wages, I think they appreciate it more, don't you?

Chairman PHILLIPS.—The men know each other to a larger extent.

Mr. BROWN.—In a small town he hasn't the chance to go right next door and get another position; that condition we have here; he rather feels that he wants to stay in that position, he gets kind of wedded to that position. We don't have that condition here. If he goes out of here he goes next door and asks for a position.

Mr. SCHNUR.—We were in a can works yesterday that have men and boys employed, and their machinery is guarded. They put a guard before each die.

Mr. PAGE.—You can put a guard on so the operator can not get his hand in it at all; a certain class of work will permit of that.

Mr. BROWN.—They use tweezers in a great many places to place the work in a die?

Mr. SCHNUR.—No, I mean the regular guard fastened to the machine even in small pieces, and then they shove the work right in with the tweezers or with a stick.

Mr. PAGE.—That is quite right; that is purely a guard; that is a very simple thing, and in some classes of work it does not affect production; but any mechanism that you put on to control the operating mechanism, that is what I mean, that interferes with the production. It requires an extra movement.

Chairman PHILLIPS.—It requires an extra movement, the second stroke, which retards the operation?

Mr. PAGE.— Yes, and it is complicated with the mechanism.

Chairman PHILLIPS.— Every machine with which a second motion is necessary, if you have to repeat the operation, your customers find that it retards the work?

Mr. BROWN.— He means the difference between a regular clutch and the safety clutch.

Chairman PHILLIPS.— Which is easiest to sell?

Mr. BROWN.— The regular clutch costs less money; it is the cheapest.

Mr. PAGE.— This safety mechanism you refer to, I would not call it a safety mechanism exactly, that is a positive stop; it prevents the press making a second stroke whether the operator keeps his foot on it or not; that is a safety stop.

Chairman PHILLIPS.— That machine costs more than one without it?

Mr. PAGE.— Yes.

Chairman PHILLIPS.— Due entirely to the safety clutch?

Mr. PAGE.— Yes. What do we ask for that now?

Mr. BROWN.— It costs about \$20 more. The pro rata is about the same on all the machines, about 10 per cent. more.

Chairman PHILLIPS.— Do you find purchasers object to the safety stop?

Mr. PAGE.— I think they do for the reason that in most cases, or in a great many cases, you will find operators become so expert that they will take a sheet of tin and feed it without stopping.

Mr. SCHNUR.— We saw them doing that yesterday.

Mr. PAGE.— You will find these operators, in order to make more money and increase production, will take off lots of things that go with their machines and rig up their own gauges, and run them right through. I have seen in Holland a man that will turn out 120 baking powder covers a minute; to be more explicit, cocoa box covers, 120 a minute. He would have a stick of strips of tin over here, his machine would be there, and the table out there; he would start that in and he would keep it going, never stopping the machine at all; 120 a minute; they would not even keep their feet on the pedal; they would lock it down.

Mr. SEAMAN.— In many of them they do lock the pedal down.

Mr. PAGE.— The conditions vary so much according to the work you are turning out that it is almost impossible to lay down fixed rules.

Chairman PHILLIPS.— Would you suggest forbidding piecework on dangerous machines?

Mr. PAGE.— No, I do not see why you should forbid it. All work is hazardous. You take the building of this bridge here, an air line breaks and it blows a man off, and he gets killed. We have those things. We work with high pressure things here every day, dangerous. We might every once in two or three years have an accident. The progress of the times demands it. All our greatest development work has been done at the sacrifice of life. How are you going to get around it?

Chairman PHILLIPS.— A condition no man can control; you simply get into the current and go with it?

Mr. PAGE.— You can't control it. On our presses we have got a device that will not repeat. We have had all kinds of experts on the job, and it is a simple device, but it will not repeat barring a breakage. Now if a thing breaks it is an accident which nobody can be held responsible for, but barring a breakage that machine will not repeat and yet men get their fingers cut off right along, not only on our presses but all other makes of presses.

Chairman PHILLIPS.— If you were to sell the machine with that safety stop at the same price which you sell the other, which would you sell the most of?

Mr. PAGE.— I don't think that manufacturers would want that thing.

Mr. BROWN.— They disconnect it a great many times.

Chairman PHILLIPS.— Some people want it, otherwise you would not manufacture it.

Mr. BROWN.— Yes, but I have seen it off on a press.

Mr. PAGE.— There are works where it would not cut so much figure in the production.

Chairman PHILLIPS.— The manufacturer is looking for productiveness more than safety?

Mr. PAGE.— I would not say that either. I think he is looking for something practical from both points.

Chairman PHILLIPS.— But he evidently prefers one without the safety stop?

Mr. BROWN.— Some do and some don't.

Mr. PAGE.— Yes; I have talked with a number of press users, big and little, and they would all like to avoid these accidents.

Senator PLATT.— What do you think about doing away with the present law, doing away with the fellow-servant clause and the assumption of risk clause?

Mr. PAGE.— I don't know as I am familiar with it.

Mr. SEAMAN.— You have reference to accidents due to fellow-employees?

Senator PLATT.—Yes.

Mr. PAGE.—It is pretty hard to hold an employer liable for an engineer down in the basement for what he does. If your engineer downstairs was to blow the whole place up, it would seem hard to hold the employer for what he does. I think the manufacturer as a class has the interests of his men very much at heart; that is my impression.

Chairman PHILLIPS.—He has certain conditions to meet that are more or less beyond his control.

Mr. PAGE.—Yes.

Mr. SEAMAN.—Take for instance a man operating a drop hammer; very often the man operating it is not in a position to see the other men, and he depends upon a call from another man, a signal, that he is ready to operate it. In that case the operator of the hammer might get very careless, and if an accident happens from carelessness of that character there is no reason why the employer should be responsible for an accident of that kind.

The sub-committee thereupon adjourned.

NEW YORK, December 28, 1909.

INSPECTION TOUR OF SUB-COMMITTEE ON CAUSES OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman*.
 Senator FRANK C. PLATT.
 GEORGE W. SMITH.

The sub-committee met at the Murray Hill Hotel, New York city, and proceeded to the establishment of the Harlem River Lumber & Wood Working Co., Gerard avenue and East 138th street, where they examined the machinery in the establishment.

After such examination, George Stark, secretary and treasurer, was interrogated as follows:

By Chairman PHILLIPS:

Q. Does the factory inspector ever come around here? A. Yes.

Q. When was he here last? A. He is here every once in a while; I don't know exactly what time.

Q. Does he help you any? Does he ever make any suggestion? A. May, 1909.

Q. May, 1909, was the last time he was here? A. I find that stamp there.

Q. You are not sure whether he has been here since? A. No.

Q. Has he ever made any suggestions to you in the way of changing your machinery? A. Made some suggestions which we have attended to.

By Senator PLATT:

Q. Have you attended to all of them? A. Practically.

Q. Any of them you have concluded to carry out? A. There is a saw table on this floor without a guard.

Q. Why don't you guard it? A. Well, we cannot. If you will show us how, we will do it; if we can be shown how we can guard it, we will do so. There is no danger.

By Chairman PHILLIPS:

Q. Did he request you to guard it? A. Yes.

Q. Did he make any suggestions how you could guard it? A. No.

By Commissioner SMITH:

Q. In your own opinion, do you think of any practical way which can be carried out, and what might have been the results to you in a monetary way? A. We could not do any business at all if we put anything

on that saw; it would stop that man working.

By Senator PLATT:

Q. What saw is that? A. That little saw. There is no danger to that, because the saw is never raised any thicker than the board you cut. If you want to cut one inch, you can run the saw down to one inch.

Q. And if you worked four inches? A. It would cut four inches.

By Commissioner SMITH:

Q. Does it very often happen with any of your employees that the safety appliances are interfered with in order to make them inoperative? A. I have not seen that. There are cases which I know where men deliberately cut their hands off and their fingers off. We don't have any trouble with that.

Q. You report your accidents? A. Always.

Q. Have you had any other than this one you told us about? A. On the machinery?

Q. Or any place around your plant? A. A boy got a splinter in his finger, but we have not had any accidents.

Q. That amounted to anything? A. Never, since we have been in business; that is the only finger; that is twenty-two years ago.

Q. I notice that your shop is light and a large space between the different machines? A. Yes; that is an exception with our business. I think the most danger arises when the machines are crowded; the men don't get a chance to move.

By Senator PLATT:

Q. At certain times of the year, you are crowded with business, are you? A. Yes.

Q. You hurry your men at that time to get out the work? A. No; it is no use; you can only get so much out of a man.

Q. I don't know about that. I think it makes a lot of difference whether you are in a hurry or whether business is pretty slack. A. It is just this much. Whatever these men are paid, so much an hour, and

all union men will do about so much each day. For me to go out there and hurry up would do no good.

Q. This is a union shop? A. It is. We do what we can do. If you are doing more than you can possibly do, you are not gaining anything.

Mr. P. McDowell stated that while at this particular time they are not extremely busy, and that next week, partially on account of the holiday season, they will be shut down, that instead of laying off the help, that they will all be kept on to generally clean up and renovate the entire establishment, in order to continue the safety and sanitary condition of the plant, and that this practice is followed every year.

Chairman PHILLIPS.—Would it be more expensive to have a large shop with machines far apart?

Mr. McDOWELL.—I don't think so.

Mr. STARK.—We think it cheaper. We figure it pays us to clean up every night. There is half an hour given to cleaning after the machines are shut down.

Chairman PHILLIPS.—Where do you save by having your machines far apart?

Mr. STARK.—By being able to turn themselves. You might get half a dozen men along that desk (indicating), and they will not do so much work. A man has got to have room to turn around.

The Committee then proceeded to the establishment of the New York Carved Moulding Company, and examined the machinery in that establishment, finding two guards tied up on the saws, and one man said it was tied up because it was broken, and the other man tied it up because he said he could not see his work with it.

C. P. SHERWOOD was interrogated as follows:

By Chairman PHILLIPS:

Q. Can you tell when the factory inspector was here last? A. I can't tell—I can't just remember. He doesn't come here at the office, as a rule. (Mr. Sherwood telephoned to the foreman.) One of them about eight weeks ago, and one of them about eleven.

Q. Have they made any recommendations to you in regard to your work? A. Little things, they did, set screws, projecting set screws or something of that kind.

Q. Anything in regard to guards for your saws? A. They suggested those.

Q. Did you have any guards on those before they made the suggestion? A. No.

Q. So that the guards were put on at the suggestion of the factory inspector? A. Yes.

Q. When were they put on? A. The foreman will remember. (Mr. Sherwood telephones to the foreman.) I know we were quite a while getting them; we found a lot of fault with them; we had to wait for them, we had them made up. We had some on there a long while before we had these on. It was about five months ago. We were told to put them on quite some time before that, and we did have others on, and we changed them again.

Q. Why did you change them? A. We thought those were better; the others were not satisfactory.

Q. Did the factory inspectors say the others were not satisfactory? A. No.

Q. You say you had some delay in getting those? A. Yes.

Q. What was the reason for that? A. I don't just remember; there could not have been any other reason other than they did not have them in stock. I know we had ordered them quite a while before we got them.

By Senator PLATT:

Q. Do you think the factory inspection is ample? A. I don't know. They don't let much stuff go by. They are around pretty regular.

Q. Are their suggestions generally practicable? A. Well, I don't know but what they are. There is one molder there on the first floor here where you went by, you notice it is boxed in. I don't know as molders are boxed in as a rule; in fact, I never seen them boxed in. He suggested that. Of course, it is all right in a way because of the passage-way, somebody might slip and get caught in a pulley.

Q. With regard to those two guards that were tied, do you know why they were tied by that rope? A. He (referring to the foreman) seemed to think it was holding the electric light there. I think that set screw might jar loose or something. I think it is applied so that that can not slip back. There is a little set screw in front and a constant jar might work that loose.

By Chairman PHILLIPS:

Q. With regard to the belting, wouldn't it be safer if that belting coming down to the floor was boxed in? A. Which one do you mean?

Q. There are several pulleys and belt-ings there, revolving rather rapidly? A. I don't know; never anyone goes through

there. We have never had an accident from it.

Q. When was your last accident here? A. I don't know. We have never had an accident I know of outside of—I don't know as even a man had a finger cut off—a little sliver jumped back and cut him, or something. The last one, we had a fellow working on the molder; it got back on him, cut him in the arm, had quite a bad cut; it is all right now.

Q. Cut it in the molding machine? A. No, on the saw.

Q. How did it happen? A. His own negligence; he took the guard off.

Q. Why did he take the guard off? A. That I don't know. They don't do it now; they were a new thing and I suppose they had an idea they could see better. Of course, it is in the way a little.

Q. As the men got accustomed to the guard— A. They don't take them off now; we threatened to discharge them if they did.

By Commissioner SMITH:

Q. Have the inspectors ever suggested the placing of railings to prevent contact with the belts of any of the machines up there, or would not that be practicable? A. I don't know how we could very well, the way they work around there. We have never had an accident. I have heard of more accidents occurring on a projecting bolt on a shafting. We had one right next door here, thrashed a fellow all to pieces.

Q. When was that? A. It must be a year or two ago.

Q. Did they sue the company? A. That I don't know.

Q. Your freedom from accidents also applies in connection with the exposed gears up there—there have been no accidents? A. No.

By Chairman PHILLIPS:

Q. What place do you speak of where this man was hurt? A. He is not here now; right next door; he is not here now.

By Chairman PHILLIPS:

Q. Did he go out of business? A. Yes.

Q. Wasn't it a success financially? A. It was a sort of one-horse cabinet shop.

Q. Was not a very safe place to work? A. No, I was glad when he did get away. If they ever got a fire there, it would look like a junk shop. If you go into those little shops around the city, I don't know how they do business.

By Commissioner SMITH:

Q. How about those places on Long

Island? A. Yes, they have got some nice factories out there.

By Senator PLATT:

Q. Where would you believe we would strike the worst one? A. Down on the east side, East Fifth street, Avenue D, around in there.

Q. Those are small shops? A. Yes.

Q. I suppose there are big shops? A. I don't know. I have not been down there myself, mostly Jews, and they don't take much pride in keeping things in shape.

By Commissioner SMITH:

Q. How many men do you normally employ? A. About forty.

The Committee then proceeded to the Murray Hill Hotel, where

WILLIAM SIMPSON,

business agent of the Amalgamated Wood Workers' Union of New York and vicinity was interrogated as follows:

By Chairman PHILLIPS:

Q. What are the bad things in these shops you speak of? A. The majority of nonunion shops, they have the privilege of hiring whatever they can get, and they take a young fellow in, may be a greenhorn, and pay him five or six or seven dollars a week; an Italian, a Jew, a foreigner, an aged man, don't know the conditions and is not able to command wages. They take him in; for instance, he is sawing, pushing the stuff through, or feeding a molding machine, and the fellow don't know anything about it any more than the man tells him, and don't know anything about the construction of the machine, and sometimes they go round and stick their fingers in, or drop their hand into a jointer; they are not familiar with the machines and are not mechanics. A first-class mechanic understands the working of the machines and knows where to keep his hands and where not to keep them. For instance, a man running over a head, if it slips, they have got to carry their hand just so, or else the piece kicks back and their hands go right in; and on sawing, they will possibly use kiln-dried material and the stuff will possibly pinch, binds together on the saw.

By Senator PLATT:

Q. They have no guards? A. They have, but they have got to get it through to the guards; they are liable to pinch on the ends. If they don't know how to run a

piece of kiln-dried stuff, or keep the saw in condition, it will pinch, and if they push it, it binds back, possibly it will slip out of their hands, and it will do injury. All those kinds of things is done, and done by greenhorns.

By Commissioner SMITH:

Q. Your opinion then is that in the same class and size of shop, that if the labor was union, there would not be so much likelihood of accidents? A. I would not say union—I mean a mechanic. A nonunion shop is not compelled to hire mechanics, where a union shop is. You can't hire a mechanic for \$8 a week.

By Senator PLATT:

Q. What do these machine operators in a wood-working shop get, what are their wages? A. The highest union wage is in the brotherhood. They pay \$4 a day; they have got one scale of wages; they class themselves as \$4 a day.

Q. Brotherhood of carpenters? A. Brotherhood of carpenters. We cannot see where we can compete against country shops and command the wages without getting ourselves out of a job. We have got our wages; we have a minimum scale, \$19 for a first-class man, and \$15 second.

By Commissioner SMITH:

Q. What are the number of hours a week? A. Number of hours, fifty.

By Senator PLATT:

Q. Don't you think that is better? A. I think it is better for the men, and also for the bosses, that is, with the conditions of the unions as they are.

By Chairman PHILLIPS:

Q. How do you determine which class a man belongs to? A. We don't class a man that can run one machine—for instance, a man only running a saw—we don't class his as a first-class man, because he can't do anything only that one thing; he is a specialist; he is a fellow that is broke in, but he has got more experience than when he started; possibly, a man works three or four years at a saw.

By Commissioner SMITH:

Q. Regardless of that one-sided efficiency, that is a man being able to do certain work, a brotherhood man gets a flat rate of \$4 a day? A. They insist upon it, although it has been said that they do not get it—they get it and return it to the boss. I don't know how that is. You know a man can't pay a man \$4 a day when he can't earn it.

By Chairman PHILLIPS:

Q. In regard to the shops, how are they in regard to the safety appliances? A. As far as I have seen any safety appliances, the union shops have got them in.

Q. How about nonunion shops? A. They do wherever the inspector comes in and orders it, they possibly put on some wooden construction; they don't use it only just when there is somebody around.

Q. What is the attitude of the men toward safety appliances? There have been some statements made that they are likely to take the appliances off; they don't like to use them? A. They are very apt to do it.

Q. What is their objection? A. Mechanics would rather work without safety appliances and take their chances, because they are detrimental to doing their work and they are more apt to make him hurt himself than to save him—that is, some appliances.

By Commissioner SMITH:

Q. For instance, could you specify? A. Take a jointer, for instance, and if you are jointing on the edges of the material—for instance, there is a piece of board you are jointing, you have got this safety guard and pull it around within an inch or two of your board; if they want to face it off, they have to turn it off and joint it; you have got to keep that thing working back and forward in compliance with the safety guard. That is a detriment to your work.

Q. You think there could be a possibility of a man in trying to conform strictly to the requirements— A. He would not do a day's work.

Q. It would be more likely to cause him self injury? A. Yes.

By Chairman PHILLIPS:

Q. You think it is safer? A. On certain classes of work, you can run them all right, but with the general class of work, that is, facing and jointing, it is detrimental and a loss of time.

By Commissioner SMITH:

Q. Have you any thought or knowledge of what is considered to be the most efficient safety appliance for saws? A. No, I have not worked in the business for the last six years. I have been on the road for about six years and I do not pay attention to those safety appliances. In fact, whenever I go through, there are very few of them used, only on the jointers. Of course, the saws have the guards up.

By Chairman PHILLIPS:

Q. Are there any of the factories congested—any of the machines too close together for safety? A. I don't know as they are, but they are set pretty close, but at the same time, a mechanic could get around them. The only trouble is this, that in some of the shops, they have not got a system; they throw stuff around and then a man is liable to slip on the stuff and fall into a machine.

Q. Have you any suggestions to make with regard to the prevention of accidents in the wood-working industry here in the city? A. I would not want to be an authority on that, and would not want to suggest very much; they are most personal opinions, and there is a great deal of difference of opinion between the woodworkers; they have all got their own opinions.

Q. What is your opinion in regard to the prevention of accidents in the industry? A. One thing would be, in the general run of shops, that is, the cheap shops, I should say there was too much driving by the foreman; a man has got to race like hell and cannot take time to get through.

Q. That is in the smaller shops? A. Yes, and some of the big ones. You have got to get out so much work.

By Senator PLATT:

Q. I had a superintendent of a factory before me the other day, and I asked him the question, "Don't you believe where men are crowded, that is, with their work being pushed, as it were, that more accidents will happen in those cases?" He said, "No, sir; on the contrary, we find that while men are being crowded, they are brought up to a high state of efficiency; there will be fewer accidents and there will be less work spoiled." I said, "What do you mean by that?" He said, "A man brought up to that state of efficiency has his mind entirely on his work; he is more alert." A. As a practical man, I know different. A man that knows the foreman is watching him, he has got his mind on him. I have seen it done time and time again. A man is looking to keep his job, and may not be able to do as much as that boss requires him, and he is pushing him all the time. He will come around and say, "Why the hell don't you hurry it up?" Every order that we used to see rush on it, and we would say, "Mrs. Rush is getting a terrible lot of work done." I think that is one of the things that creates more accidents, pushing men beyond their limit. They don't give them time to do their work.

Q. Where they are union shops, they cannot push men in that way, can they?

A. Not to that extent. A man is supposed to do a reasonable day's work, and if he is fired, if he is not competent, the union looks it up, and if he does not do his work, we let him go. If they find out the boss is pushing him, they will simply object to it. The Brotherhood of Carpenters, in fact, they almost try to restrict their men to a certain amount of work.

By Commissioner SMITH:

Q. In that connection, have you in many cases been successful in getting a man restored to his former standing and employment? A. Always when he is not in fault.

Q. You have been able on many occasions, or some occasions, to demonstrate that the man was not at fault, and that he had been pushed too much by the overseer? A. Yes. It is impossible to do it. They cannot get any other men to do it. A man that is around among the men—even the foremen themselves know it is utterly impossible to do certain class of work as they want to have it done. I know of men being fired after working all summer and doing the work, and when the slack season comes, they will be discharged simply because it is slack. Under those conditions, we have no recourse. They will keep them while they are busy.

Q. As a general practice, what attention is paid to keeping the shops in a cleanly condition, and free from obstructions in the way of rubbish? A. The majority of our shops, that is, union shops, are kept in very good condition. You went through the Harlem River?

Q. Yes. A. You will notice everything is piled up there—in fact, all of our shops with the exception possibly of one—one we have only had about a year; it is a Jewish shop; there has been a great deal of improvement; that is over in Astoria; it is picking up; it is improving; of course, there is a chance for more improvement yet. They don't pile their material up; they let it run out.

Q. In the smaller shop or shops of minor importance, the condition in that respect is not so salutary? A. No. You take all those Jewish shops, they don't seem to have the ability to know how to take care of them; they have no system; they simply run it through, and pick it up when they get a chance to. You take, for instance, through the Brownsville section—I think you can go out there and see some shops that would open your eyes. We had them organized for about a year, and they went on a strike and were locked out.

Q. Do you think, as a general rule, that the State factory inspector requires and sees that the various shops have as many and efficient safety appliances as could reasonably be called practicable? A. If you ask my own opinion, I don't think the State inspectors go through them at all; I never heard of one.

Q. You mean through any? A. Maybe where there is a complaint entered, or something like that, they may. I had a complaint in the Federated Union two weeks ago, through Commissioner Williams about a shop up there the Seabury Boat Company about importing men from Canada but we had not heard anything about it yet.

Q. In all the plants we have thus far visited, we have found that the factory inspectors have made periodical visits. A. The bosses told you that, didn't they?

Q. Well, in two cases, I believe we found registration—the State Inspector's stamp. A. I don't pay any attention to that; I don't investigate that; I am not following up the State inspectors; I have enough of my own troubles, but I know shops they go in, they certainly do not—that is, I have seen them—they do not pay any attention to it—if they do go in, they go in and walk through them, and possibly tell them to do certain things, but they don't follow it up.

By Senator PLATT:

Q. In a factory we were in this morning, there was an inspector in eight weeks ago and eleven weeks ago. A. That is where you telephoned me from? I would not take my oath on that place, around there, at all. That is a pretty rotten bee-hive in there, all right.

By Mr. SMITH:

Q. Are those union or nonunion? A. Nonunion.

Q. In the Harlem district? A. Yes.

By Senator PLATT:

Q. That one where we were at first this morning, that is a union shop? A. Yes, that is as good a shop in the line of system and cleanliness as any one. If they were all kept in order like that one, and as good pay as that one, the men could be pretty well satisfied.

Q. They pay pretty good? A. They pay mostly all their men \$19 a week, and they are better off with that than if they were getting \$24 and not working half the time. They worked eight hours one time and they were generally on a strike. Since we have them, six years, they have not lost a day.

But if you people could go up and see the Seabury boathouse before you go away—that is, up at Morris Heights—I think you might see something there.

By Commissioner SMITH:

Q. How many men are employed there approximately? A. I understand there are quite a number, but not so many machine men; but as I understand—I have not investigated myself—there was a complaint through the union—I understand they bring men from Canada here in the winter, and they work on the boats and for small wages, and in the summer time they go back to Canada again. I understand they have discharged men there that have worked for them for years, and won't even give them a job, because they want \$3 a day. I know the fellow that told me would not lie about it, because he has no reason to lie. At one time they paid reasonable wages, but they got these men to work cheap, and they let them go back to Canada.

By Senator PLATT:

Q. Then what do they do in the summer? A. They don't do much boat-building, I suppose, in the summer time.

By Commissioner SMITH:

Q. Those are largely winter repairs? A. Yes. It is only while they have a boat on the ways, and off they go until they get another. I believe they are connected in some way with the Herreschoffs over in Rhode Island—have some connection with them.

By Senator PLATT:

Q. All those small places down on the East Side, they are all, you say, nonunion shops? A. There is one down in Lewis and Sixth street—the Bayer-Katten Co.—

By Chairman PHILLIPS:

Q. That is a union shop? A. That is kept in fairly good order, but not as good as some of them.

Q. This building at the foot of Eighth street, below Avenue D, you think is the worst one? A. It is cut up in different factories. You can look through it. Then there are two or three more down in Fifth street, right off Lewis street there, I think you will find something that will surprise you.

Q. What will we find there? A. These little frame shops; they pay anything from \$6 up, a cheap lot of men.

By Senator PLATT:

Q. Will we find some dangerous machines there? A. You will find some of the old styles, second-hand machines — like that. All them shops, when they start in, they buy all second-hand machinery that has been through fires and has been thrown out.

Q. What would your union feel about a compensation act — something under the English system, compensating for all accidents? A. I ain't up on that. I have heard that talked over by a good many of them; I have not interested myself with that at all; unless they passed a law that will compensate and still leave them open for a suit.

Q. You would not call that just exactly fair to the other side? A. If they win their suit, they can simply deduct their compensation that was given them.

Q. You would not want it to act both ways? A. Most bosses are selfish; they want all they can get. I don't believe a workingman gets his fair hire to-day, as much as he earns, not according to the living, the way rents have gone up and everything like that; it is utterly impossible to live decent unless you get \$20 or \$25 a week. Living has gone up over half, and wages have not gone up over one-third.

Q. What does a common laborer get — about \$1.75 a day? A. Some of the laborers organized get even more than mechanics that are not organized.

By Commissioners SMITH:

Q. For instance take the highest rate? A. A hod-carrier gets \$3 a day, eight hours' work.

By Senator PLATT:

Q. I mean, suppose they do the digging? A. They get anywhere from \$1.50, \$1.75 to \$2.

Q. How do they manage to live — they are mostly foreigners? A. You have to

go down through Mott street, Mulberry street and those places, and little Italy, on the East Side, to see how they live. Down on the East Side you can see them living on the street in the summer-time, and in the winter-time, bunches in the houses. They lay mattresses on the floors, and fifteen or twenty bunch in together; they pile the beds away in the morning and eat in the daytime.

Q. They are mostly foreigners? A. All foreigners, pretty much; most of them Italians.

By Chairman PHILLIPS:

Q. You feel that a good many accidents are due to the fact that some employers hire inexperienced foreigners, and that the accidents are caused by the inexperience of the men? A. More so, I think, than anything else.

Q. And that there is a habit of employing inexperienced men and letting them go as soon as their experience is such that they can get more money? A. Just as quick as they want more money, they come into our shops, and they are supposed to be mechanics. These nonunion shops are schools to teach these young fellows and greenhorns to become mechanics. If that could be stopped, there would be less accidents. Of course, every man is liable to an accident once in his lifetime, and he would not get through life without getting cut, running a dangerous machine, no matter with all the safeguards; but it is rare, very rare. I worked on them for twenty-five years, and I have got all of my fingers yet. I have been cut and scratched and everything else, but at the same time, I never got cut so bad as some of these greenhorns. When they get cut, they generally get cut good and proper.

Adjourned to Wednesday morning, December 29, 1909, at Murray Hill Hotel, New York City.

NEW YORK, *December 29, 1909.*

INSPECTION TOUR OF SUB-COMMITTEE ON CAUSES OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman.*
Senator FRANK C. PLATT.
GEORGE W. SMITH.

The Sub-Committee met at the Murray Hill Hotel, New York City, and proceeded to the office of the Travelers' Insurance Company, No. 1 Madison avenue, where they had an interview with Mr. Briggs, chief of the inspection staff of said company, and with Mr. Moran, one of its counsel.

Mr. Briggs was interrogated as follows:

By Chairman PHILLIPS:

Q. I would like to have your views as to the guarding of machinery? A. I would make it a criminal offense to take guards off of machines. We have more difficulty in getting guards kept on machines after they are put on than we have to get them put on in the first place. That is to say, the workmen will claim the guards hinder their work and they will take them off. There was a case in point out on Long Island, a few days ago, that came up, where guards were supplied and hanging up alongside the machine, and the proprietor of the establishment said that his workmen refused to use the guards and threatened to leave his employment if he made them do so; so they took them off; he did not seem to have moral suasion or any other kind of suasion to make them do it. That is the thing that appeals to me as being as necessary as anything else, to make it a criminal offense, if possible, or at least, to make it an offense under the Civil Code; I suppose that would have to be by suit under that code — if it could be done, to get it under the Criminal Code, and the offense could be reached more quickly and efficaciously.

Q. Do you find many accidents due to the fact that machines are too close together in shops, too congested? A. No; our records do not show that; we have, of course, accidents occurring from that cause, but not to the extent that one would think.

Q. How do you find conditions in shops with regard to failure to clean up rubbish, or leaving lumber or material piled around so that men stumble over it? A. I find, as

a rule, that accidents are more frequent in shops of that kind, due to what is termed moral hazard. There seems to be a general lack of care on the part of some to let things go by default practically; they do not care as long as they get out their work; they do not care how the shop looks, but we do not find that condition obtaining as a rule. There is no question but what such conditions do tend to cause accidents.

Q. Are accidents more likely to occur where there is foreign labor than where there is American labor? A. Yes, there is no doubt of that; although greater intelligence tends to decrease the number of accidents; there is no question about that.

Q. Accidents to themselves or to their fellow employees? A. Accidents to both classes. We have some cases where the employees cannot understand English, and where even the foreman cannot understand it but poorly; there conditions are bad, and accidents are frequent.

Q. Some shops do have foremen then who cannot understand English? A. Scarcely.

Q. And yet who receive orders in English? A. Who receive orders in English, yes; not many of them; that is not a general condition. There are far too many, however.

Q. Have you any particular suggestions in regard to legislation that will prevent accidents? A. It is a matter that I have given no thought to, for the reason that I am so busy on the job here, trying to prevent them, that I do not bother with the legal end of it. Have you seen anybody in our law department here?

Q. No. A. Maybe I can get one of the lawyers who is handling a great many cases to come down if he is not too busy, Mr. Moran.

Q. Do you find factory conditions improving any? A. Gradually, yes. Our position is that it is a matter of dollars and cents, and we try to show the people that we are insuring that it is a matter of dollars and cents to them, too, and we succeed in a great many cases. As I said, we do not have a great deal of difficulty in persuading the owner of a factory to safe-

guard his machines and render conditions reasonably safe for his operators.

Q. Are the conditions in small shops as good as the conditions in the large shops?

A. I should say not on the whole. In small shops the owners appear to lose sight of everything but the almighty dollar.

Q. And I suppose if their capital is small, they devote it first to the production end? A. Yes.

Q. To get some immediate result in the way of productiveness? A. Yes. We have got on our staff here about twenty-five inspectors in New York city; they inspect all classes, as we term it, of risks.

Q. That includes what? A. We have got close on to thirty altogether.

Q. How many inspectors do you have for the Employers' Liability end, do you think? A. About twenty-five, I should say.

Q. About twenty-five in New York city? A. Yes, sir.

Q. How many in the State? A. I could not say. I have no jurisdiction excepting over New York city and the immediate district.

Q. You have more inspectors in New York city on the Employers' Liability end of the case than the State Labor Department has, haven't you? A. I think we have. I don't know how many we have, but I think the number of our inspectors is greater.

Q. Would you think that evidence that there are not enough inspectors in the Labor Department? A. I would say so, yes.

Q. From your experience, do you think there ought to be more inspectors in the Labor Department? A. Yes.

Q. In New York city? A. Yes, I do think so. Every factory should be inspected at least once a year, and some of the larger ones should be inspected more frequently.

Q. Well now, you have twenty-five inspectors in New York city? A. We have twenty-five that inspect Employers' Liability risks.

Q. Other insurance companies here have inspectors inspecting Employers' Liability risks in New York city? A. Yes, but not to the extent that we have.

Q. Do you know how many they would have altogether approximately? A. I could not give you any idea, I don't know.

Q. Do you think any one of them would have as many as you have? A. I would say if they all combined, they would not have as many as we have, but without knowing exactly how many we have, I can

not say; I would doubt if they had any more.

Q. Do you think it is fair to assume that the insurance companies have fifty inspectors in New York city inspecting Employers' Liability risks? A. I would say that it is fair to assume that, without knowing about the number of men that the other companies have.

Q. Then, in addition to factories they inspect, there are a number of factories which do not carry Employers' Liability insurance, isn't there? A. I think the number of factories that do not carry liability insurance is very small.

Q. So that these fifty inspectors probably nearly cover the ground, do they? A. The inspectors of that one class, inspecting Employers' Liability risks, inspect elevators, boilers as well as sewers and tunnels in course of construction, and factories, and we have a corps of those men who inspect tenement houses and other properties insured for landlords. It is a question of dollars and cents with us, of course, as I said before.

Q. That is, you feel that your inspection reduces the number of claims that you have to pay? A. It undoubtedly does.

Q. Do you know what your inspection costs you in New York State? A. No, sir.

Q. Do you know what it costs in New York city? A. No, I have no means of telling that. In fact, if I did, I would not feel at liberty to tell; you would have to get the information from an officer of the company. I believe, though, that they publish in their annual reports the amounts expended for different departments, including inspection.

Q. That is, the reports to the stockholders? A. No, the reports to the insurance commissioners, which are made in great detail. Of course, the stockholders simply cover the financial operations.

Q. Do people, insured by you, usually follow your recommendations with regard to changes in their plant, or safety appliances? A. In a great majority of cases, they follow our recommendations without objection. I will say that fully 80 per cent. of our recommendations are complied with without question, and of the remaining 20 per cent. we find it not very difficult, after an inspection has been made, to get them to comply with it.

Q. What do you do with them in case they do not comply with it? A. If the condition is very bad after they have had due notice, and after we have exhausted all our efforts to get them to comply with the recommendations, the policy is canceled.

Q. Do you cancel many policies? A. No, we do not find it necessary to cancel a great many, but when we do, we do it regardless of who it may be, when the policy is canceled.

Q. What is the custom among insurance companies, if a policy is canceled by one insurance company owing to bad conditions in the factory insured, are other companies liable to take the risk? A. Not if they know that a policy has been canceled because of bad conditions existing. It is then very difficult to place the insurance.

Q. Wouldn't it be a good thing if there was some method by which all insurance companies might know that a risk had been refused owing to bad conditions? A. Yes; personally I believe that if there was some understanding among the companies, such as exists between the fire insurance companies, that it would be a very good thing for the companies and for the public at large; because if a man knew that he could not place his insurance in any company, why, he would set out to better his condition right away.

Q. Well, why do you think no effort is made on the part of the companies to bring about a coöperation between them? A. It is my personal belief that it is because of business rivalry, in other words, competition, which is called the life of trade, but in this case, I think it is a detriment.

Q. There is more rivalry in liability insurance than in fire insurance? A. I believe there is. I never have been in the fire insurance line, but I believe there is a good deal more rivalry, and there is no agreement of any kind, so far as I know, existing between the liability insurance companies.

Q. Have you in mind any law that would aid coöperation between insurance companies to prevent the taking of bad risks? A. I have not. I would prefer that you would ask that question of Mr. Moran, when he comes in. He will be in very shortly. I think an increase in the number of inspectors would be a splendid thing.

Q. Do your inspectors ever make recommendations with regard to the method of operating a particular factory, or a particular machine; that is to say, do you ever formulate rules for the guidance of either the employer or the men in the operation of a dangerous machine, or do you limit your work to the physical conditions? A. We limit our work to the physical conditions, except in such cases where the machine itself is a dangerous one, and in that case, we usually make a study of it, and frequently can make suggestions that will make it safer.

Q. Suppose you found in a shop that their rules and methods of working in a particular room, or in operating a particular machine, are bad and likely to lead to accidents, do you take hold of such a situation? A. Yes, we take hold of that situation. Of course we have to do it in a very delicate way, because we are treading on corns, and the employer don't like to have his methods criticised as a rule, and we consider the case quite carefully before we do criticise it.

Q. Sometimes a signal ought to be made before a machine is started in its operation— A. Yes; in a case of that kind, we feel free to suggest, but we frequently have to criticise the employees of people that we are insuring; of course, we criticise laxity of their methods and discipline that are in effect in the factory.

Q. Do you ever criticise the character of the employees that you find at work in a factory around a dangerous machine? A. Yes, we have done that on a number of occasions.

Q. Do you think the Labor Commissioner ought to have power in a proper place to prescribe rules or to criticise the character of the employees that are at work? A. I think so.

Q. His power now is limited, as I understand it, to the physical condition requiring guards on machines and things of that kind? A. Yes, I believe that to be so. I think that it would be a great advantage if he were empowered to take up the question of the character of the employees and the whole general surroundings that lead to accidents, the moral hazard as well as the physical hazard.

Q. Would the employers feel that that was leaving too much to one man, if they had themselves decided that their particular methods were the best that they could get, and ought not to be overruled by one man, a labor commissioner? A. They would probably feel that way.

Q. I suppose there would be that tendency? A. There certainly would be, I believe.

Q. The same as where the Public Service Commission issued an order or rule different from what some corporation had been following? A. We do not like to have our methods changed. We think that we are doing all right, but it is our experience that an inspector unfamiliar with the operations of a particular plant—he might be familiar with the operations of that particular line of business elsewhere, and go into a factory and see conditions quickly that exist—but the conditions that are familiar to the management and the

operatives in the factory are more familiar to them, he may see that it will possibly result in accident. In other words, it is a case of familiarity breeding contempt; you will find that that is very frequently the case.

Q. You feel then that there ought to be some method by which insurance companies could combine to the extent of denying insurance to the indifferent or careless employer? A. Yes I do, and I feel that there ought to be some sort of coöperation between the insurance companies; that is, the liability insurance companies, and the State Factory Board.

Q. Oh, yes, by which they could compare notes? A. Yes; or it might be possible—at any rate the idea is worth a thought, I think, to empower the inspectors of the insurance companies somewhat similar to the State Factory Inspectors.

Q. That is, power to enter a place, you mean? A. Yes. Now, in the State of Massachusetts, the boiler inspectors have to pass an examination by the board appointed for that purpose, and an inspector so authorized to inspect has some of the powers of the regular employees of the State.

Q. In what respect? A. In other words, if recommendations are made by him, they have practically the same effect as though they were made by the State Boiler Inspector himself, that is, the same legal effect, I mean. That is a matter that would involve, of course, a good deal of thought but at the same time, I think that something could be developed from it.

Q. What would you think of a law providing that insurance companies should not be liable to an employer for an accident resulting from the failure of the employer to comply with the recommendations made by the insurance companies? A. That would be going a long way, I think; I am not certain whether that would be constitutional; would it? I am not a lawyer.

Q. Yes, I think that might be, because the law now may provide that an employer shall be liable for an accident resulting from his failure to comply with the rules of the department. It just simply occurred to me, as we have been talking it over. That is, to relieve the insurance company from liability to an insured, where the accident has been due to the failure of the insured to carry out a recommendation made by an insurance company. A. That would make the owner of the factory a good deal more anxious to comply.

Q. To comply with the recommendations? A. Yes, a great deal more anxious.

Q. Do you think that an employer who

is insured is likely to attempt to reduce accidents solely in the hope that he will get a lower premium some time in the future? A. They all have that hope.

Q. Yes, but an employer who would ordinarily be indifferent, and who might feel that fact that he is insured, that it protects him and caused him to be indifferent, assuming that he is such a kind of a man, would the fact that he might save money by the future reduction of premiums cause him to be more careful; is that a sufficient incentive to such a fellow, or will he consider the present cost? A. I doubt very much if it would be.

Q. He is more apt to consider present cost of making his factory safe than he is the possible contingency of saving on his premiums in the future? A. I think so.

Q. For that reason, to reach him effectively, it might be necessary to reach his right to indemnity upon his failure to comply with the recommendation? A. Yes; if he feels that is going to be taken away from him, he would have incentive enough to comply with the recommendations. If such a law could be passed and were passed, it would only affect such people as would be in a class that would say, we are insured, what is the use of doing anything?

Q. You find some that feel that way? A. Yes; what is the use of having insurance if we have got to provide safe conditions, and all that sort of thing.

Q. Do you think that the rivalry between insurance companies, and the lack of coöperation tends to make them more indifferent as to the classes of risk they take, provided the insured is willing to pay a sufficient premium? A. That is so. That is what I say, that I think an understanding between the insurance companies would be beneficial to all concerned, to the companies, to the employers, and to the employees.

Q. They would put more conditions in their policies then that would require safety on the part of the insured? A. Yes. They would be in a position to do that, if an employer of labor could not get liability insurance without having to pass some such requirements as the fire insurance companies make, it would tend to make him more careful.

Q. These thoughts sometimes occur to one as they discuss it or talk the matter over and ask questions. That is a new one as far as I am concerned, and it occurred to me that possibly we might reach the indifferent fellow in that way and would at the same time strengthen the insurance companies in their desire to elimi-

nate bad risks? A. Yes. I can speak only for this company, and I can say that while our interest in the matter is largely a commercial one, we have other motives, too.

Q. I assume that there is plenty of room in the insurance business for insuring men against inherent risks that cannot be prevented after they have exercised all precautions possible, without going into the business of insuring them against their own negligence? A. Yes, sir.

Q. And insuring them against violations of the Labor Law and things of that kind? A. Yes. We are placed as regards violation of the Labor Law in a very peculiar condition. We can point out, and do point out, from time to time, where such violations exist, but we are not empowered to go any further. I would say if it were made a duty of the insurance companies to report violations of the Labor Law, that might be beneficial.

Q. To the Labor Department? A. Yes sir.

Q. There is another suggestion, if your inspectors find a violation of the Labor Law, to report that to the Labor Department? A. Make it a duty on the part of the insurance companies generally.

Q. Do you think the insurance companies would feel like coöperating on that end of it? A. I believe so. They would like to eliminate all causes of accident, so far as possible if the causes are violations of the law where now they have no power; if it were made their duty to report such violations to the State Labor Commissioner, I think it would have a beneficial effect, and I think the insurance companies would gladly coöperate; that is my personal opinion. Mind you, I cannot speak for the company.

Q. I suppose the insurance companies might feel that it would be going rather far to pass a statute forbidding an insurance company to pay an indemnity claim where the accident was due to a violation of the Labor Law? A. I believe they would; that is my opinion.

Q. They would feel that was going too far? A. I think they might.

Q. Especially where there are so many companies all striving to get business? A. Yes, sir.

Q. I suppose if there were one or two companies, they would find business enough in just protecting what they might call the legitimate part, the accidents that cannot be prevented? A. Yes, sir.

Q. Even by an observance of the law? A. That is right.

Q. Suppose it was carried this step further: Suppose insurance companies were

required to notify the factory department of violations of the Labor Law, and that after such notice and a recommendation or request made by the Labor Department to the insured that he remedy the defect, that then the insurance company be relieved from liability if an accident occurred from that particular defect, that would limit or release their liability in those cases in which the Labor Department had actually brought notice to the employer? A. I would like to have Mr. Moran answer that; it is getting rather deep for me.

Mr. Moran discussed this subject at some length with the Commission, together with various other matters, and promised to send a statement in writing to Chairman Phillips regarding his views as to a museum of safety and other subjects.

Mr. MORAN.—I think the compensation feature of a compensation act would be taken advantage of by a good many employers, and I think there has been a change of public sentiment in favor of that since this Commission has commenced its work.

Q. Mr. Briggs, how do you find the practicability of inspecting building operations that are changing every day, is it practicable? A. Yes, we have inspectors on that work that go around from time to time and they recommend in their reports when the next inspection should be made, based upon conditions as they find them, and there is no question but what those inspections do good. Of course, the conditions are changed from time to time, and day by day, but a great many of the most hazardous features can be guarded during the erection of the building.

Q. Do you attempt to specialize in your inspection? A. Yes, we do.

Q. Can you tell me what your classes are? A. Elevators, boilers, factories and public works, such as sewers, tunnels, bridges, and so on, new buildings and tenement houses.

Q. You have a separate inspector? A. Yes, sir.

Q. In the Labor Department, as I understand it, they do not specialize at all; they have factory inspectors? A. I believe they have minor inspectors.

Q. Yes, but no specialist for building inspection? A. I doubt if they have; we specialize very carefully in New York City.

Q. Are your inspectors mechanics or how are they—have they been mechanics? A. Practically all of them; many of them hold chief engineers' certificates for ocean ships.

Q. I don't know as you want to make any comparison as between the ability of your men and the inspectors in the Labor Department. A. I would hardly care to be put on record on anything of that kind.

Q. I suppose one comparison might be made by way of compensation that they receive, if you care to state it, whether or not your compensation is greater? A. I don't know what the compensation of the State inspector is.

Q. I think it is \$1,000 and \$1,200, something like that. A. Ours is on the average higher than that.

Commissioner SMITH.—The State is \$1,200 flat; \$100 a month.

Q. Do you think that is enough to get good inspectors? A. No, I do not.

Commissioner SMITH.—The money has got to be enough so that there won't be any object of their being too friendly with the people whose work they inspect.

Q. What salary do you think is proper for them to get? A. I would say that in these days of high prices \$1,500 a year ought to be the minimum.

Q. Of course there may be men in the Labor Department who are worth \$1,500, and have gone in there and acquired a knowledge of it, and who are familiar with the work? A. I am only speaking of getting the best results.

Q. They ought to be worth that whether they are now getting it or not? A. The position is worth at least \$1,500.

Q. Of course, we are not saying they are not worth \$1,500 or \$1,800, but that it ought to be worth from fifteen to eighteen hundred dollars to do the work properly? A. I should say that.

Q. Do you have any women inspectors? A. No.

The Committee thereupon adjourned.

NEW YORK, *December 30, 1909.*

INSPECTION TOUR OF SUB-COMMITTEE ON CAUSES OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman.*
Senator FRANK C. PLATT.
GEORGE W. SMITH.

The Sub-Committee met at the Murray Hill Hotel, New York city, and proceeded first to the work being conducted at the depot of the New York Central railroad station, where they inspected the buildings being erected. They found the ironwork of the building in the course of construction up eight stories, and that the floors were not planked or arched, leaving complete opening from top to the bottom without any intervening protection. Terry & Tench were the contractors for the steel construction.

Mr. Snyder referred to a piece of rope which was lying on the platform from which the Commission made their observations, and stated that he had frequently seen in places ropes used for hoisting several tons which had been spliced, and stated that the rope in question looked pretty old for use. He stated that in several instances he has known that a rope of this kind had been used, and that everything had gone into the hole.

The Sub-Committee was informed that a Patrick Sullivan was the superintendent in charge of the construction. Mr. Snyder stated that two men had been killed on this building, but one of them was without any fault on the part of the contractor, the man in question having reached for a line outside of the line of the building, and having missed it, and he fell on the outside. The other man fell through the building.

Chairman PHILLIPS.—Why should he fall through, wasn't it planked?

Mr. SNYDER.—No, not there.

Chairman PHILLIPS.—Do you know whether they got any damages?

Mr. SNYDER.—I don't know. I didn't get into that.

Chairman PHILLIPS.—How long ago was that?

Mr. SNYDER.—It must have been about eight or nine months ago.

The Sub-Committee thereupon went to the northeast corner of Fourth avenue and Eighteenth street, where they found a building in course of construction, with the steelwork six stories high. The sixth floor was planked. The other floors were not planked or arched, and open clear through. Men were working on the girders on the fourth and fifth stories. There was a riveter's scaffold outside the line of the building on the fifth floor, composed of but four planks, and Mr. Snyder stated that if the riveters used any more planks in building a scaffold they would be fired. The Hay Foundry was the steel contractor in the case of this building.

The Sub-Committee thereupon went to the new Manhattan bridge at the foot of Canal street, and walked over it, and inspected the work in course of construction. Mr. Snyder pointed out several places where men had been killed by falling from girders where there was no planking under them, and indicated one place where a man was working on a plank which was tipped up by the weight on a traveling derrick, striking the end of the plank, and had there been any plank protection where the man was working, he would have suffered nothing more than being knocked over. Men were seen at work on girders with absolutely no protection beneath them.

The Sub-Committee thereupon finished its inspection for the day, and adjourned, to meet at the public hearing held by the Commission.

HEARING HELD BY THE COMMITTEE ON CAUSES AND PREVENTION OF ACCIDENTS.

METROPOLITAN TOWER, NEW YORK, *January 5, 1911.*

Present: Hon. CYRUS W. PHILLIPS, *Chairman.*
 Senator FRANK C. PLATT.
 Hon. GEORGE W. SMITH.
 Miss CRYSTAL EASTMAN, *Secretary.*
 Assemblymen ALFRED D. LOWE.
 Hon. OTTO M. EIDLITZ.
 Hon. HENRY R. SEAGER.
 Hon J. MAYHEW WAINWRIGHT.
 Hon. JOHN MITCHELL.
 Mr. GEORGE GILMOUR, *Consulting Engineer to the Commission.*

The Sub-Committee met at the offices of the Commission for the purpose of giving a hearing to several gentlemen on the question of causes and prevention of industrial accidents.

Mr. FRANKLIN S. TOMLIN.—I represent the Brooklyn Central Labor Union; the Central Federated Union of New York; the Bronx Labor Council; Women's Trade Union League; New York Building Trades Council; Brooklyn Board of Building Delegates; and the Socialist Party; I am Secretary of the organization.

We held a meeting last night, which happened to be our regular meeting, and we have been considering the matter for some time, and while we have not any definite recommendations to offer as to the kind of safety devices to be employed in specific cases, we want to make a general report as to what we think ought to be done by this Commission at the present time. We passed this resolution:

"Moved: That the Joint Conference advocates an increased appropriation for the Department of Labor for the creation within the department of a division for the prevention of industrial accidents, said division to be equipped with a museum of safety devices, and a sufficient number of inspectors to make the recommendations of said division on the prevention of accidents effective."

That is the general idea that we have. We think by having this museum of safety under the control of the Labor Department we will establish a standard of safety devices; and then we propose that the law shall compel all manufacturers to apply these safety devices in their establishments, and that the law will make it a criminal offense if they do not apply such safety de-

vices. There is an apology for a museum now in the city under the charge of Dr. Tollman, supported by private contributions, which is doing some pretty good work in the way of furnishing information to those who want to, put on safety devices, but it is nothing like what it should be, and we think it ought to be under the control of the State, or at least owned by the State, and under the control of the Labor Department.

Senator PLATT.—Would you be in favor of making it a misdemeanor for the working man to remove the safety devices?

Mr. TOMLIN.—Yes, sir; I think it would be a very important part of it.

Mr. MITCHELL.—Do you mean any safety device, or just the ones required by law?

Mr. TOMLIN.—The ones required by law. Of course, we think by establishing a standard in that way it would be a means of stimulating inventions, so that the very best appliances that have been devised, through this museum, could be at the service of the manufacturers who desired to put them in. I think a man in laying out a plant with machinery ought to be advised of all the required safety devices, so that if there is any danger it might be eliminated, and the safety devices showing how danger could be eliminated might be known to him.

Miss EASTMAN.—Did your Committee consider whether they would want in the department more inspectors merely, or a higher grade of inspectors?

Mr. TOMLIN.—We want better inspectors. We do not believe the mere fact of a man working at a trade fits him to be an inspector; he has got to be taken and trained. It is the opinion of those working in the Labor Department that inspectors are not born. You might find one man

of course better equipped by nature than another to act as inspector, but he must be trained. Let a number of men walk into a factory, and one will see things required for safety, and maybe all the rest of them would not see it; some mechanics might walk around a factory for months, and they would not see anything wrong; another man who might never have been in a factory, and who was an observer, would come in and see things at once. We believe as far as the civil service examination is concerned, those who come through that are the best equipped. I do not care how well equipped a man may be, however, he must be trained, and our idea is factory inspectors should be trained to do the work, taking men with as high intelligence as it is possible to get for the money, even then they must be trained to make their work effective; and we believe a museum of this kind should embrace this feature of a training school, as well as the showing of the safety devices.

Chairman PHILLIPS.—You have not considered to what extent safety devices are used at present, have you?

Mr. TOMLIN.—No. We have not gone into it very extensively, only some of the newspaper offices and some others. The New York World is probably the best equipped in the city. There are more devices there than in any other newspaper office. The mere fact of the passage of the Compensation Law is now stimulating people to put in safety devices. Dr. Tollman told me that he is constantly having applications from manufacturers to show what can be done in the way of safety devices. These things would indicate that we ought to have a better museum under better control, and they should issue pamphlets, photographs and general information, so that people could get at it, and it would make it very much more effective; and we believe in that way that the work of this Commission can be made very effective, and at the minimum of cost.

Chairman PHILLIPS.—Has anything occurred to your Committee, aside from the museum of safety, and increasing the use of safety devices and increasing the inspection force?

Mr. TOMLIN.—No, nothing. We thought as we went along, before the law was passed, we might have something else to suggest in the way of more specific suggestions in case they were required.

Mr. MITCHELL.—Does your Committee believe that the factory inspectors should have discretionary power in requiring the use of safety devices, that they should have

power to compel the use of any safety device that they regarded as practicable?

Mr. TOMLIN.—Undoubtedly.

Chairman PHILLIPS.—As aside from the law requiring the use of those devices?

Mr. TOMLIN.—We think the factory inspector should have power, even if the law did not compel it; yes, we do think so. The inspector ought to be able to tell where devices should be used even if the law does not specify the particular device; he ought to have the power to say, just as they can come into a factory now and point out a dangerous place. I have had them come into the factory where I was superintendent and show us where we ought to cover up something that we did not think very dangerous, because we had been accustomed to it.

Mr. EIDLITZ.—Do you think that power should go beyond the suggestive point, that he should have the right to order it on if the law did not required it?

Mr. TOMLIN.—Yes, sir; I do. Our idea about the whole compensation business in the primary idea is to prevent accidents. We don't want compensation to cut a man's leg off; we don't want the leg cut off. The position that we take is we ought to have every precaution for everybody, and we think the law ought to provide for it, but in a case where the law did not provide for it, the factory inspector should say to put this or that device on, and he ought to have power to enforce it. The idea is to prevent waste that comes from destroying human efficiency, and to prevent the misery.

Mr. EIDLITZ.—I think there is not a man on the Commission but entirely agrees with the principle you have mentioned; it may not quite agree with the method in which you seek to achieve it. If you give a factory inspector the right to go beyond the law, that is a condition that has never been recognized before.

Mr. TOMLIN.—Don't you think if the factory inspector was properly trained and intelligent, he ought to have some power?

Mr. EIDLITZ.—You must also give the factory owner—you must imagine that he is possessed of pretty near human intelligence; if the inspector makes a suggestion which appeals to him which will diminish largely the chance of accident on a particular machine, with the compensation and all the other things staring him in the face, that employer is undoubtedly going to take that suggestion. On the other hand, if he does not do it, goes out of business—the inspector should not have the right of putting him out of business.

Chairman PHILLIPS.—Mr. Tomlin would be satisfied if the Labor Commissioner had that power; if the order was issued by the Commissioner, if it came from headquarters.

Mr. TOMLIN.—That is all right

Mr. MITCHELL.—It would have to be a device approved by the department, but when that department had approved a device that department ought to have authority to compel the use of it, but of course the district inspector should not have that absolute power.

Mr. SMITH.—I think there should be some means of arbitration, even if the head of the department believed that a certain device should be installed.

Mr. TOMLIN.—I fully agree with the gentleman here that most of these things—I suppose ninety-nine in a hundred would appeal to the manufacturer.

Chairman PHILLIPS.—All he needs is the suggestion.

Mr. TOMLIN.—Yes, anybody with ordinary horse sense would want to put in a device that would limit danger to human life, and figure it in dollars and cents.

Mr. MITCHELL.—He must have more than a suggestion. He has got to have the possibility of having the work stopped. That possibility must be there. That is in the inspection law now; an inspector can stop a plant now.

Chairman PHILLIPS.—He puts a label or something on a machine that prevents the use of it.

Mr. TOMLIN.—I do not think many inspectors would want to stop a plant if they can help it. They are not looking for trouble. We want to prevent all the trouble we can and make things go as smoothly as we can. I think factory inspectors should be men of intelligence, and I think the training they should get would materially improve the efficiency of the force.

Chairman PHILLIPS.—Your organization has considered the number now employed as factory inspectors, and feel that that number should be increased?

Mr. TOMLIN.—We think it is a farce; they cannot inspect a factory once a year. It is only a beginning to show what could be done.

Mr. B. W. JONES.—I represent the line-men, outside electrical workers. There is a distinction between outside and inside electrical workers. We are organized in the same union, but have different locals. We do the pole work and handle all high tension wires, and the inside men, their wires are usually secondary wires inside build-

ings. The main trouble in our work which is a very difficult matter, is usually incompetent journeymen, which is the worst trouble we have. It usually takes as many helpers or more as there are journeymen for an electric company or telephone company, and probably if we should be short a lineman, for instance, a couple of men of those ground men, who have been working for six months, they might want to make good, and they will let the ground men do the journeymen's work for this time. An incompetent man will get up there and mix a hot wire with a low tension wire, which is supposed to be safe, and a man working around the corner out of sight will get the juice. Another thing: These rubber gloves which are supposed to be furnished, they should be inspected every day when a lineman puts them on, but they will give you a pair of gloves and in a week or so you go back for another pair, and they say, "What is the matter, can't you handle without ruining them; we gave you a pair a week ago," and they will say they have not got them in stock, or something like that.

Chairman PHILLIPS.—And then the man will continue to work with his poor gloves?

Mr. JONES.—Yes, sir; he will have to continue to work. There may be just a little pin hole that you could not see with the naked eye. You can discover it under air pressure, if you can force air out of it; just that pin hole is enough to give you a jolt of juice that will jar you off the pole.

Chairman PHILLIPS.—Are those gloves an absolute protection when they are perfect?

Mr. JONES.—On a dry day they are an absolute protection, providing you are familiar with all the wires around you. The trouble is, in the present system there is no way to tell what a wire is, except just your own ability of knowing the usual position of the high tension wires.

Chairman PHILLIPS.—Is there any way of labeling the wires, by coloring, or anything of that sort?

Mr. JONES.—In California they have a law that high tension wires have a significant color, and low tension wires are colored different, but there is no system like that here.

Chairman PHILLIPS.—Then the glove is not sufficient to protect you with a high tension wire?

Mr. JONES.—It is, if it is not higher than 2300 or 2400 volts. Take 6600 volts, there is nothing safe on that when you ground the wire, or cut off the juice.

Mr. TOMLIN.—What proportion of your men get killed?

Mr. JONES.—Take the year through, I suppose there is no less than 20 per cent. of them killed.

Chairman PHILLIPS.—Twenty per cent. of them all?

Mr. JONES.—Yes, sir. On the New York & New Haven there was 6 per cent. killed and injured inside of eighteen months.

Senator WAINWRIGHT.—How many actually were killed on that line?

Mr. JONES.—Of the journeymen there were 18 that I know of, I know the names myself; and there were about on an average from 35 to 50 journeymen on the job all of the time.

Mr. MITCHELL.—Does your union keep records of members killed; do you pay any benefits?

Mr. JONES.—Yes, we pay \$100 death benefit, if they are in good standing at the time of death, and probably a good many deaths do not receive the benefit because they might be a couple of months behind.

Senator WAINWRIGHT.—What is your recommendation to this Commission as to what the State can do by law, or what the Labor Department could do to prevent accidents, or to reduce the number of men killed and injured in your trade?

Mr. JONES.—Wires should be properly spaced on the arms; we have a committee that has arranged recommendations how they could be spaced, and different colors for different tension wires, and it is not right for incompetent men to be working on these wires. An engineer has to be competent to run a train. They won't let an incompetent physician work on a patient.

Senator WAINWRIGHT.—Is it your suggestion that that should be accomplished by conferring the power on the Labor Commissioner to make orders with regard to it, or that it ought to be written into the law?

Mr. JONES.—It would be a hard thing to get under the law; I believe the Labor Commissioner should have powers.

Chairman PHILLIPS.—If you will take up your electrical trade and submit in writing your suggestions as to what will benefit and protect the men, and also, let us know whether or not the men themselves do not get careless and get so that they play with the wires like one would play with a thing that is harmless—I suppose they do get to a point where they take chances, don't they?

Mr. JONES.—Yes, more or less. Once in a while they get a little touch, and then they are cautious again for a while. I will tell you one thing, while working on high tension wires a lineman should use the gloves, and have perfect gloves. If he gets

a little rip in them they are not safe, and as it is now, he is afraid to kick for gloves for fear he will lose his job. They cost \$3.50 a pair.

Mr. JAMES L. GERNON.—I had a talk with a factory inspector the other day, and I know that they were asking the employer where he had had an accident, whether he got a statement as to how the accident happened, he was getting a statement from the employer. I said, are you getting a statement from the other side?" He said, "No." I believe if this Commission should make a recommendation that every industrial accident, no matter where it happened, if there be a statement given by the employer, and one of the employees, not for the purpose of using it in court, I think it might be well to bar either one from a court action, let them base their court action on the evidence that they can get outside of that statement, I think in that way you will get a better idea of how some of these industrial accidents happen. I might say for the committee, we have given the matter considerable thought, and we have asked many of the organizations to make the recommendation. We feel that the men in the particular craft would know more about it than we would in some other craft. I think they have given it considerable thought, and I think if a communication was addressed to them we would get something practical. Last night we had a meeting on the question of a kind of a ladder, it was really interesting, because some claimed you could not keep a ladder some way, and others claimed you could. A ladder is commonly used by a great number of mechanics, particularly in the building trade, and it is an important thing to be properly kept. I think if they had the right kind in each particular craft a number of accidents would be avoided. I think that this Commission ought to take up consideration of this feature. I think that every tool that shows any element of danger, and you certainly would arrive at those dangerous tools if the employer and the mechanic both had to report how the accident happened, and I understand that they made a recommendation that all accidents be reported to the Commissioner of Labor.

Chairman PHILLIPS.—Yes, it is a law.

Mr. GERNON.—I don't want to say this officially, but from information I get they certainly are not reporting all the accidents. I do not know that all accidents should be reported, but I think there should be some consideration given to the question that all tools that show any element of danger, that there should be a placard

issued by the Department of Labor or somebody else, it would naturally come under the Department of Labor, and it should state that if this tool in the judgment of the men working there was defective or out of order, that it be immediately reported to the Department of Labor, and I would give the address, and I would insist on the pasting of that notice on every tool and every piece of machinery, or it might not be necessary on every piece of machinery, but certainly where the men would be acquainted with it; many of the men, when they see the Department of Labor, they don't know where it is located, and you must take into consideration that we have a great number of foreign people working in this State; I don't know whether they can all read English or not, and I don't know as it would be advisable to put it in all languages, but it certainly should be there in the English language. If that was done another thing should be done, I think a law should be enacted to prevent any manufacture from posting any rules or regulations unless they are approved by the Commissioner of Labor, because many of them simply impose upon a man the necessity of removing the guard; in some places where there are guards they put a task on a man, and if the guard is there, he cannot perform the task. In any industrial plant where there is any machinery with the element of danger in it, it should be in the power of the Labor Commissioner to improve the rules and regulations of the plant. That don't necessarily mean he is going to make all the rules and regulations, but if there are any rules in the regulations submitted by the management of that plant that would work to the detriment of the men on the machinery, they should certainly be vetoed. These are a few things that have come to my mind. I don't know whether you have considered that.

Miss EASTMAN.—You are still in the Department of Labor?

Mr. GERNON.—Yes.

Miss EASTMAN.—Could you tell us about how much you think the Labor Department should be increased in order to carry out effectively all the suggestions?

Mr. GERNON.—I would not want to give any figures, because it is not my line of work. I have got my own opinion; I think there should be at least 300 inspectors.

Miss EASTMAN.—For factories alone?

Mr. GERNON.—Yes. I believe under present conditions it is almost farcical to call it factory inspection when a man can only visit an industrial plant once a year, and if you are going to prevent industrial

accidents, or try to prevent them, or minimize them, you have got to have a frequent inspection, at least once a month, in my judgment. A man should have a territory in which he would be responsible for the conditions of that territory. Some places might not need to be inspected more than once a year; other places it would be necessary to inspect them almost continuously.

Miss EASTMAN.—Would you also make recommendations as to the grade or quality or training of the inspectors; would you pay them more?

Mr. GERNON.—Yes; I think you are barring a lot of good material if you start them in at a thousand dollars. Now, I have eight men in my department, taken from the civil service list, and they are eight good people, they have been working three years for a thousand dollars, and it is an outrage. Any one of them is worth more than a thousand dollars to any business concern in this State, but still the Legislature won't appropriate the money, and they cannot get an increase of pay. There are four of those men that are apt to leave us in the next month. Two of them I know have been offered better positions. They are really interested in the work. An inspector is not any good unless he has got some interest in the enforcement of the law. There are two things he ought to have, and that is keen observation and sympathy with the law.

Mr. MINER.—I am in the printing press business. The average man in my line of trade makes as much or more in our business. The trouble with them is they do not have room enough to work.

Mr. GERNON.—That is why I believe the Commissioner of Labor should have almost unlimited power. Take New York city today, loft hire is expensive. A man endeavors to get a lot of machinery into a small space, but the result is he has the machinery close together with all its dangers, and one man is practically working on top of another; they haven't room; and I think there should be a certain zone around every machine—there should be no other machine within a certain distance of that machine.

Chairman PHILLIPS.—How do you find new factories with regard to placing their machinery?

Mr. GERNON.—Naturally, when a man builds a new place, he would start out to arrange his machinery to the best advantage for production, not necessarily meaning he has got to have them so close together that there is an element of danger. Now, take a woodworking factory, when

they are too close together a man sawing, a piece of wood may fall off, and he is afraid of stepping on it, he is afraid of the saw, he may step on it and his ankle turn, and the first thing he is thrown on the floor. I don't know how many accidents would come from that cause. I had an idea once of starting a concern for the purpose of rearranging industrial plants; I got that idea. I was brought up in the machinery business, and after some consideration I found that the only thing that made it unprofitable, or that it would not be profitable, was the fact that the management, whoever was in charge of that industrial plant, did not want to admit that his plant was in improper shape. I have gone through many places and suggested improvements, and a good many of them are willing to do it, others won't. You find some that won't spend fifty cents. You can go through New York city to-day, anybody that knows anything about the arrangement of machinery, and you will be surprised at the condition in some places.

Chairman PHILLIPS.— This thing occurs to me with regard to the reports from your different trades. I think that if you can get the men started on that they will get a benefit aside from legislation. I had the same trouble in Rochester where I tried to get them started that way. Men ought to take a good deal of interest in preventing accidents in their trades, and if they sit down and attempt to make a report and are unable to see how they can benefit a trade, they will see the actual difficulty of trying to legislate on it, but a whole lot of accidents depend on the men themselves, and in making your report I would suggest that it be comprehensive that way; for instance, in woodworking machine shops tell us where it is possible to have devices that will protect men from saws and shapers and the different machines there, and on the other hand, where men are in the habit of using safety devices, or whether they are in the habit of taking them off where they have them; get at the whole proposition. A good many contractors have complained since the Compensation Law went into effect that among their laborers there is not exactly an indifference as to whether they get hurt or not, but a lack of any affirmative effort to protect themselves, and they may fall through a hatch or step on a frail board and go through, and of course under the compensation act there is liability even if a man has been somewhat negligent himself.

Mr. MINER.— One fault we find in our business is, we cannot pass around machinery on all sides. Take a machine three

times the length of this room, and it is placed against the wall, you can't get around it in case of accident; you have got to run around the room. You can imagine a machine going 3,500 revolutions an hour, turning out paper, and a man has to get on the other side. Another thing is, I think, their machinery is too close together and then they store piles of paper between the presses. In newspaper work they desire to get the speed. They have large rolls of paper and they roll them into passageways so as to have them ready for the next run, whereas they should be overhead and have them up in the air and not on the ground. Then another trouble is oil on the floor becoming greasy and slippery —

Mr. GERNON.— What I have in mind is in an industrial plant the machinery may be perfectly guarded, but it is too close together. It is a hard thing to say in the law that such a machine must be so far away. I think when you come to specify that it will make a lot of trouble. I think if the Commissioner had power to say, you will have to separate them, that would be the thing. It might not be necessary to give an order for all machines, but only certain machines.

Mr. TOMLIN.— Then you think the Commissioner should have the power?

Mr. GERNON.— I do, and another thing I would do: I think the inspectors should be selected under civil service. As I said awhile ago, there is only two things he needs: he needs ordinary intelligence and keen power of observation and be in sympathy with the law, then he should be properly instructed; but they never had money enough to do these things. There are lots of things they would like to do, but you cannot get the money appropriated by the Legislature for everything you want. It is specified what you have got to use it for. The question of a museum is a good idea, but I think ahead of that is the idea if the Commissioner of Labor had money enough to investigate and examine all safety devices, and make proper cuts of them and have them distributed, not to boost any particular patented device, but to demonstrate to the manufacturers — every manufacturer over the State cannot get to the museum, so they could do it that way; and the inspector should be drilled and instructed. The law to-day calls for enforcement of a whole lot of provisions, sanitary, child labor, ventilation, a whole lot of them, and it is not expected a man that goes and takes an examination and is offered the magnificent sum of \$1,000 a year, knows all these things. In England they can get as high as \$2,400 as factory inspectors, and

that in comparison to our money is a pretty good salary. The only hope that a man here has is that he can get \$1,500.

Mr. MITCHELL.—Do factory inspectors hold annual meetings in this city; is there any system of meetings?

Mr. GERNON.—Yes, they are called together quite frequently, and of course they get their instructions on certain things, but if they could be called together frequently and these things properly studied—my idea would be this, that the Commissioner of Labor has a lot to do, and some of these things need considerable study; that could be deputized to somebody else to work out

these things and give these inspectors certain instructions.

Mr. MITCHELL.—Are these meetings that they do now hold for the purpose of discussing safety devices?

Mr. GERNON.—Yes. You take any provision of the law and take sixty inspectors, they have different ideas of that provision of the Labor Law. There is a lot of things which are not clear and the interpretation is put upon it by the courts. If this commission could go out and educate the magistrates of this city it would be a beautiful thing.

Adjourned until Friday, January 6, 1911, at 9 A. M.

NEW YORK, *January 6, 1911.*

INSPECTION TOUR OF SUB-COMMITTEE OF THE COMMISSION OF EMPLOYERS' LIABILITY, AND CAUSES AND PREVENTION OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman.*
Senator FRANK C. PLATT.
Hon. GEORGE W. SMITH.
Assemblyman ALFRED D. LOWE.
Mr. GEORGE GILMOUR.

The Sub-Committee met at the Murray Hill Hotel, New York city, and proceeded first to the factory of Jacob Doll & Sons, piano manufacturers, at 100 Southern Boulevard, Bronx, where they spent several hours going through the plant, interviewing the proprietors and workmen and in this plant the committee saw several saws which had guards, but which were not used by the workmen; the stock in the building and the arrangement generally had a very crowded effect.

The Sub-Committee then visited the plant of Murray & Hill Company, Southern Boulevard and 143d street, Bronx, and were shown through the plant by Mr. Murray, who stated that he thought he had the most up-to-date and safe woodworking plant in the world; the rooms were extremely high, absolutely fireproof; every machine was operated by an independent motor, and the general effect was of extremely light and sanitary conditions. Every machine where there were cogs or saws were guarded. Mr. Murray stated that Mr. Hill had devised some guards to

machines which he showed the Sub-Committee and showed a sander where an accident had once happened to the man in charge of setting up such machine, and which was now apparently perfectly guarded. Mr. Murray said that in erecting their plant he had submitted the plans to the Fire Insurance Exchange, and that the saving in his insurance rate was sufficient to more than compensate him for the extra space and up-to-date conditions. Mr. Murray also stated that he thought factory inspectors should inspect plants about once in six months. He stated that he and Mr. Hill would be very glad to attend future public hearings of the committee, and furnish all information in regard to his plant desired and to make such suggestions as they could.

The Sub-Committee thereupon visited the plant of the New York World, which is claimed to be the most up-to-date newspaper printing establishment in America.

The Sub-Committee thereupon adjourned subject to the call of the chair.

HEARING BEFORE THE EMPLOYERS' LIABILITY COMMISSION IN THE SENATE LIBRARY,
SENATE CHAMBER, ALBANY, N. Y., FRIDAY MORNING, FEBRUARY 10, 1911, AT
TEN O'CLOCK.

Present: Senator WAINWRIGHT, *Chairman of the Commission.*

Senator PLATT,

Mr. GEORGE W. SMITH.

Assemblyman CYRUS W. PHILLIPS.

Mr. HENRY R. SEAGER.

Mr. WILLIAMS, *Commissioner of the State Labor Bureau*, acting with the
Committee.

Assemblyman ALFRED D. LOWE.

THE CHAIRMAN.—The Commission on Employers' Liability and Causes of Industrial Accident, Unemployment and Lack of Farm Labor will be in session here this morning on the question of the causes and prevention of industrial accident. If there is any citizen here who desires to be heard before the Commission and to give expression to his views with regard to this important subject, the members of the Commission will be glad to hear him. I will state that at our request, the Commissioner of Labor has prepared a list of a large number of the employers of labor in this vicinity, including the cities of Albany, Schenectady and other cities nearby, representing practically all the industries of this place and also the organizations of labor men employed in those industries comprising a list of about 150 corporations, firms and labor organizations to whom an invitation or notice of this meeting was sent, requesting that they appear before us, and particularly requesting that any of those who desire to be heard should send in their names, in order that the list might be prepared. We are now here to listen to anyone who has anything to say on this subject.

THE CHAIRMAN.—(Addressing Mr. Cluett of Peabody, Cluett & Co., of Troy, N. Y.) I hope, on behalf of the Commission, that you will give us the benefit of any views that you may have on this subject of industrial accidents and their prevention.

Mr. CLUETT.—Mr. Chairman, I did not come prepared to say anything at all. I am from Cluett, Peabody & Company of Troy, and I am very much interested in this subject, and not only from the employers' standpoint, but the engineers' standpoint. It is a thing we are looking up all the time in order to keep the employees in our plants as safe as possible. Fortunately, our manufactures do not present very many dangerous employments. The

question of risks in machine shops like ours—the risk is small and the power machinery is in most cases light. We have tried to follow out the directions of the Labor Bureau as much as possible and I came down here to-day with the object, or the hope, of being able to take something back that would benefit our employees and us rather than contribute anything to the discussion.

THE CHAIRMAN.—I want to say to the employers that we had every reason to believe and expect that a much larger delegation, or a much greater number, would appear here to-day in answer to the notices which were sent out of our intention to sit here this morning to consider this question of industrial accidents and it is a disappointment to us that so few of these employers—in fact, none of them but Mr. Cluett—has considered it worth while to attend here this morning to give us at least some part of their views on this very important question. It is characteristic of their attitude towards the labors of this Commission, but if we cannot secure their views and their co-operation, or any information from them in regard to the subject they are so much interested in themselves, of course, we will have to do the best we can on what information the Commission may be able to obtain from other sources, and from those who are present here to-day.

Mr. CLUETT.—I am willing to add anything I can, Mr. Chairman, to the information the Commission has on this subject but, of course, you will understand that I came here to listen and it was not my intention to say anything to you, but I had hoped that through this hearing to-day I might learn something that would aid us in our business, and assist us in giving our employees better protection, better safeguards, if there is anything that we can do in that behalf that we have not already done.

Commissioner WILLIAMS.—I would like with your permission to ask Mr. Cluett a question or two.

THE CHAIRMAN.—Certainly, if Mr. Cluett has no objections.

Mr. CLUETT.—I haven't the slightest objections to answering any questions you desire to ask me.

Commissioner WILLIAMS.—You have a laundry department, have you not, in your plant at Troy?

Mr. CLUETT.—Yes, sir.

Commissioner WILLIAMS.—Any of your employees injured in your laundry department?

Mr. CLUETT.—Occasionally, yes, sir.

Commissioner WILLIAMS.—In connection with what particular operation or machine?

Mr. CLUETT.—Well, we find that the machines that have the largest risk to the operator in their operation are the extractors. When we get an accident on those machines, it is apt to be a pretty serious one, but we keep those covered up to the best of our ability.

Commissioner WILLIAMS.—What kind of a cover do you use?

Mr. CLUETT.—We have a copper cover that is over the extractor and in such a position that the shaft of the extractor comes down and that is re-enforced.

Commissioner WILLIAMS.—Can that cover be removed while the machine is in operation?

Mr. CLUETT.—I should say it could.

Commissioner WILLIAMS.—Have you ever seen a cover with an extractor that is controlled by the belt shafting arrangement?

Mr. CLUETT.—No, I have not.

Commissioner WILLIAMS.—Would you consider a cover for a hydraulic constructor which was so controlled that it could not be opened until the belt had been thrown off a good idea?

Mr. CLUETT.—Yes, sir, I should say that would be, but even in that case it might still be open to danger because the velocity of the extractor is so great that after you threw off the power it would still run for three or four minutes and if anybody tried to take it off it would injure him.

Commissioner WILLIAMS.—But the element of danger would be largely minimized if the machinery was running through its own momentum instead of under power.

Mr. CLUETT.—Oh, yes, sir.

Commissioner WILLIAMS.—I just want to say, Mr. Chairman, that these covers for these hydraulic extractors, as my question implied, are controlled so that the action is reduced to a minimum, or the dan-

ger of accidents is reduced to a very slight degree, and personally and officially, I regard that kind of a cover as much better than the cover which can be removed at will by the person who is in charge of the extractor.

Mr. CLUETT.—I should think some sort of a device in connection with every table would be an advisable thing. In my fifteen years' experience in that business, I have only seen three accidents in our factory on the hydraulic extractors.

Senator PLATT.—What is that?

Mr. CLUETT.—It is a process or machine by which about fifty per cent. is taken out by putting in a basket, which is revolving at the rate of about one hundred revolutions in a minute. The water is thrown out through a perforated basket on the outside. These accidents, when they do happen, are caused by a piece or pieces flying loose while the basket is in motion, and the person in charge of it attempting to put them back again. We have had more or less trouble at our Massachusetts factory, where one of them would not work, and they were all caused by the operator starting up the basket, and the basket not moving fast enough at the start, and he would try to help it along. It is done by slipping the belt in its momentum and if a man thinks the basket is not moving very fast, he will take this in his hand and the first thing his hand is caught in and he generally breaks a shoulder or something like that.

THE CHAIRMAN.—Is there not a device that will absolutely prevent that?

Commissioner WILLIAMS.—I don't know of any device that will eliminate entirely the danger. The device that I have seen prevents the operator from getting under the basket at all, until he has thrown the belt from light to loose. After that, he can open the cover. The danger in this machine is due to the momentum of the basket itself. I have not heard of a device that is so arranged that it cannot be opened until the basket is actually still. I never have heard of any yet. The danger can be minimized by the protection afforded by a device which has been indicated to me.

Mr. CLUETT.—We never have had any accidents, except through the operation of the basket—where the basket covers have been put in operation.

Commissioner WILLIAMS.—That is important.

Senator PLATT.—Do all the factories use covers?

Commissioner WILLIAMS.—Not all of them. We have been requiring them to use them quite extensively. They are in

use largely to-day. Of course there are two kinds of a basket, one with the power transmitted from beneath, and the other from above, and shafting running down.

Mr. CLUETT.—Ours is like that.

THE CHAIRMAN.—How often are your factories inspected by the factory department?

Mr. CLUETT.—I should say two or three times a year.

Senator PLATT.—How many people do you have there?

Mr. CLUETT.—We have about eight thousand—that includes all the factories, some of which are outside of Troy.

THE CHAIRMAN.—Do you come into contact with any inspectors of the department?

Mr. CLUETT.—Yes, sir, they all report to me.

THE CHAIRMAN.—What are your views as to the efficiency of their inspections?

Mr. CLUETT.—I think they are very careful men. I have always found them obliging and considerate, and our relations with them have always been very pleasant. We have always tried to meet them fairly and have had no trouble with them.

THE CHAIRMAN.—Do you consider the men that they employ in the department—such as come under your observation—men qualified for their work?

Mr. CLUETT.—So far as I have seen, yes, sir.

Mr. LOWE.—Have you any suggestion to make to us, to make the inspection even more efficient? That is to say, such as adding to the force competent experts for special purposes, in addition to the ordinary inspection force?

Mr. CLUETT.—I think you would have to have as many experts as you have different industries in the State. In ordinary machines the man looking to see how they can be guarded will ordinarily have a way effectually to protect them. There are some kinds of machines we have never been able to find a way to protect, and some we would like very much to find a way to protect. I refer more to a calendar roll than anything else. We find that, in spite of all the protection we can put on a joint planer or circular saw, the workman will take these off nine times out of ten.

Senator PLATT.—How about making the law a misdemeanor for leaving uncovered, or an unguarded machine.

Mr. CLUETT.—We would drop any man whom we caught at it—taking the risk.

Senator PLATT.—Do you think if a law was enacted to that effect that the tendency would be to make the workmen avoid such things?

Mr. CLUETT.—Yes, sir, I think it would.

Senator PLATT.—If such a law be enacted do you think it would have a tendency to make the workmen avoid such things and be more careful about removing guard?

Mr. CLUETT.—It might have. The Canadian law is very strict on that.

THE CHAIRMAN.—Well, proceed Mr. Cluett with your statement.

Mr. CLUETT.—It seems to me in that law the only real compensation the employer gets is that the penalties are small; I don't know—it seems to me that the maximum penalty for death or permanent disability is \$3,000.

THE CHAIRMAN.—That is under the Workmen's Compensation Act.

Mr. CLUETT.—Yes, sir; I think the larger employers of labor are coming to the view that it is a great deal better to settle each case on its merits with the employees rather than put it up to an insurance company.

Commissioner WILLIAMS.—I would like to ask Mr. Cluett one or two questions, Mr. Chairman, in order, I think, to bring out just what you want. He referred a few minutes ago to some machines as peculiarly difficult and dangerous to guard. How have you attempted to guard these things?

Mr. CLUETT.—Well, take, for instance, like in a paper mill. There is always a risk in putting paper through the rolls. I have never seen one of those things that can be successfully covered.

Commissioner WILLIAMS.—Have you seen them equipped with any hand guards?

Mr. CLUETT.—No, sir, I have not.

Commissioner WILLIAMS.—Do you use machines to do your ironing?

Mr. CLUETT.—Yes, sir.

Commissioner WILLIAMS.—Any accidents happened on those machines?

Mr. CLUETT.—Why, occasionally; not very often.

Commissioner WILLIAMS.—In what way?

Mr. CLUETT.—Well, I have heard of girls, in feeding the collars into the machines, having their fingers pinched. I have never heard of more than one case where a hand was drawn into a machine.

Commissioner WILLIAMS.—Do you think that the ironing machines can be guarded?

Mr. CLUETT.—I think they can, yes, sir.

Commissioner WILLIAMS.—Have you ever had any accidents, on your machinery by reason of the parties getting their fingers into the gears?

Mr. CLUETT.—None that I remember; they are all protected.

Commissioner WILLIAMS.—The gears are protected?

Mr. CLUETT.—Yes, sir.

THE CHAIRMAN.—Are the guards that you speak of for the parts of the machines you refer to expensive? Would it be any particular expense, or involve any great expense to guard such portion of your operators as the Commissioner refers to?

Mr. CLUETT.—No, sir, they are guarded. The feeding board is brought up so close to the roll that it does not leave room for the operators' hands to get down between the rolls.

Commissioner WILLIAMS.—Your board is brought down so as to leave a small space—space enough for the work to pass under?

Mr. CLUETT.—Yes, sir.

Commissioner WILLIAMS.—That being the case, how did they meet with an accident? Did they deliberately push that board up when the work clogged?

Mr. CLUETT.—I think most of accidents occur from the piece of work being fed into the machine crooked instead of straight, and then the operators attempting to straighten it, holding on to the piece of work, until the hand is pulled in. I haven't heard of any accidents on them lately.

THE CHAIRMAN.—Is that kind of an accident that you described preventable by any device?

Mr. CLUETT.—Why, I would not want to say.

THE CHAIRMAN.—Is there any device that would prevent any such accident?

Mr. CLUETT.—I can't say as to that, I don't know.

Commissioner WILLIAMS.—I think I would not hesitate to say that an accident that is caused by the deliberate act of the employee which nullifies the means provided to prevent the accident—I would not hesitate to say, that such an accident under those conditions could not be prevented.

Mr. LOWE.—I would like to come back to this question of risks in employees' removing guards. It has been stated to us that that is common only where the piece system of wages prevails and the motive is that the guards interfere somewhat with the efficiency of the workmen who have a desire to do the work quickly and therefore without the guard and they remove it; but where the daily pay system prevails there is no such haste required and the guard does not interfere with the workman.

Mr. CLUETT.—We haven't that system in our repair shop. There our repair shop

is all on the hour basis and there is no piece work in there at all. These guards are often removed and we have found them removed and replaced them time and time again.

Mr. LOWE.—Why?

Mr. CLUETT.—I think it was easier for the workman to handle his work, or he probably considered it was easier for him to do the work without the guards.

Mr. LOWE.—I suppose the workmen differ as to that? Some are used to working with a guard and those not used to it are apt to remove the guard.

Mr. CLUETT.—Yes, sir, I think in the case of the woodworking machine that there is no more dangerous machine used without guards, in my opinion.

Commissioner WILLIAMS.—Has a remedy for that sort of condition ever suggested itself to your mind?

Mr. CLUETT.—I have instructed the foreman that, where he finds any workman removing those guards, the man shall be warned and if he repeats it, to discharge him.

Mr. CHAIRMAN.—Have you ever discharged men for removing these guards?

Mr. CLUETT.—No, I don't think we have; of course our help is changing all the time and the new men get a warning.

Professor SEAGER.—Most of the work is done in your shop by women?

Mr. CLUETT.—No, sir, not that part.

THE CHAIRMAN.—Commissioner Williams, do you know, as a matter of practice, or policy, any large establishments where the men are discharged on account of carelessness in using the guard or removing the guard?

Commissioner WILLIAMS.—I don't know of many, Mr. Chairman. I know of single cases, but while on that point I wish to express the view that that is, in my opinion, the only remedy for such conditions as Professor Seager refers to.

THE CHAIRMAN.—You mean after a warning to discharging?

Commissioner WILLIAMS.—I will go farther than that and say that even without a warning, and when the employee does that which endangers himself, his fellow employee and the interest of his employer, he should be dismissed.

THE CHAIRMAN.—What do you think of of that, Mr. Cluett? Do you think in practice that would work?

Mr. CLUETT.—I think exactly as the Commissioner has stated it.

THE CHAIRMAN.—Do you think the workmen themselves would complain of that?

Mr. CLUETT.—I am sure I don't know, sir.

Commissioner WILLIAMS.—I believe fully that once there is an understanding that the printed rule—that it means just exactly what it says, and that the passing of the rule means its enforcement and that the violation of a printed rule would be met with instant discharge, then they would begin to realize the importance of obedience to it when posted.

THE CHAIRMAN.—Is that a common occurrence? The violation of the rules?

Mr. CLUETT.—Yes, sir; the rules are posted up in view; the rules are posted so that in the event of disobedience, and as a result, an accident occurs, the employer can establish a defense.

THE CHAIRMAN.—Then this is a matter, that is a matter that must be left simply to the interests of those concerned.

Commissioner WILLIAMS.—I think there are many things that we must leave—put it this way—to the selfish interests of the employer.

THE CHAIRMAN.—Then there is nothing we can do on that subject?

Commissioner WILLIAMS.—Except to recommend.

Senator PLATT.—You are not in favor of making the removal of a guard—having it made a crime?

Commissioner WILLIAMS.—It is criminal now under our laws; but it means no more than the expression of a legislative idea. How are you going to enable us with confidence to convict the person who removes the guard? He generally removes it when nobody is looking, and then you are up against a situation which you can not get over. It is a misdemeanor now under the law.

THE CHAIRMAN.—What do you say about the operation of a machine with guard where an employer who provides it and posts a notice, that the law could provide that under those circumstances not only would it be a misdemeanor but that there would be no liability on the part of the employer in the case of accident to the employee.

Commissioner WILLIAMS.—I don't think it would be right to relieve the employer of liability in that case; for it is plain that he can, in my opinion, enforce discipline. I don't think that you should relieve him of liability, because if you do then it is a question of indifference to him.

Mr. CLUETT.—In guarding a woodworking machine, you cannot make a saw guard that will admit of its being pushed under there if you want it. There are several exceptions to that.

Commissioner WILLIAMS.—That saw is used for various kinds of work; it is used for cross cutting and ripping?

Mr. CLUETT.—That is what I meant, of course.

Mr. PHILLIPS.—What kind of guarding do you use in your shop?

Mr. CLUETT.—We use a guard manufactured by the Jones people of Buffalo, and may be Toronto.

Mr. PHILLIPS.—You use an iron or wooden guard—which?

Mr. CLUETT.—Iron.

Mr. PHILLIPS.—And use a guard generally in the shop?

Mr. CLUETT.—There are only two or three sizes there.

Commissioner WILLIAMS.—Your circular saw guard—is it iron with wire mesh on the sides?

Mr. CLUETT.—No, sir. It has steel sides, I think.

Commissioner WILLIAMS.—Don't you think a guard with perforated sides is better, so that the operator can see the line and the point of the cut?

Mr. CLUETT.—I had not thought of that.

Commissioner WILLIAMS.—Don't you think it is because of their inability to see their work that makes the workmen dislike the use of the guard?

Mr. CLUETT.—Yes, sir, I think that is so.

Commissioner WILLIAMS.—Then, anything that removes that feature would perhaps tend to wipe out every objection to the guard?

Mr. CLUETT.—Yes, sir, I think it would be effective in that way.

Mr. PHILLIPS.—How many kinds of employees are there in your factory, Mr. Cluett?

Mr. CLUETT.—In that particular factory?

Mr. PHILLIPS.—No, in the entire plant—men, women and children altogether.

Mr. CLUETT.—We have about five or six thousand employees in Troy. In our one factory in Troy we have about 4,500.

Mr. PHILLIPS.—Do you have any man whose sole or principal duty is that of the prevention of accidents, or watching out for accidents?

Mr. CLUETT.—No, sir.

Mr. PHILLIPS.—With such a number of employees, you have not deemed it advisable to have a man whose sole duty is watching out for accidents?

Mr. CLUETT.—No, we haven't. Of course with a sewing machine, on which most of the employees are working, accidents are only very limited; they are minor always. Each foreman is instructed, himself, and he is supposed to instruct his help,

in regard to the dangers of any machine we use.

Mr. PHILLIPS.—Of course he is interested in turning out a large product of work; his interest is rather along the lines of production than lines of safety.

Mr. CLUETT.—Yes, sir, but he is required to do that, to be careful in the use of these machines.

THE CHAIRMAN.—Have you any medical staff in your place?

Mr. CLUETT.—We have a Red Cross box and three or four employees who are pretty expert.

THE CHAIRMAN.—Do you make any efforts to furnish first aid to the injured?

Mr. CLUETT.—Oh, yes, sir.

Mr. PHILLIPS.—Besides that box?

Commissioner WILLIAMS.—Do you employ a mechanical engineer who has charge of the machinery—in your plant; especially employed as such?

Mr. CLUETT.—No, sir; for the reason that there is so much special machinery that each department looks after its own sewing machines.

Mr. PHILLIPS.—Have you had an accident in your shop the last year or two?

Mr. CLUETT.—We have them quite frequently.

Mr. PHILLIPS.—Minor accidents?

Mr. CLUETT.—Minor accidents, yes, sir.

Mr. PHILLIPS.—Have you had any serious accidents in the last two or three years?

Mr. CLUETT.—We had one man who was injured by falling off a platform, but not from machinery.

Mr. PHILLIPS.—From what height did he fall?

Mr. CLUETT.—About four feet.

Mr. PHILLIPS.—What caused that?

Mr. CLUETT.—He was run into by another man and fell off the platform.

Mr. PHILLIPS.—Pushed off the platform?

Mr. CLUETT.—Yes, sir.

Mr. PHILLIPS.—Is that the only serious accident you have had?

Mr. CLUETT.—So far as I can remember lately.

Mr. PHILLIPS.—Any accidents on your sewing machines?

Mr. CLUETT.—Once in a while a girl loses a finger.

Mr. PHILLIPS.—Loses a finger? Do you have many fingers cut off in your work?

Mr. CLUETT.—Yes, sir. We frequently have tips of fingers taken off in the paper box machinery.

Mr. PHILLIPS.—Is that dangerous?

Mr. CLUETT.—I think it is, is it not, Commissioner?

Commissioner WILLIAMS.—Which machine is the most dangerous in your shop?

Mr. CLUETT.—Hydraulic extractor, I think, is the most dangerous of the machines we use.

THE CHAIRMAN.—Have you ever had experience with machinery on the other side?

Mr. CLUETT.—I attended a dinner down in New York some time ago, and I take all the literature and articles by mechanical engineers on this subject.

THE CHAIRMAN.—Have you ever inspected that museum on 39th street in New York city?

Mr. CLUETT.—No, sir.

THE CHAIRMAN.—Have you ever given any thought to the State encouraging or providing for the establishing of sample exhibits where the manufacturers or employers can see the latest and best safety devices?

Mr. CLUETT.—No, sir, I have not. I think it would be a very good plan.

Mr. PHILLIPS.—Mr. Cluett, from your experience do you feel that the employers have difficulty in acquiring knowledge with regard to safety appliances for their particular work?

Mr. CLUETT.—No, sir. I do not see how there is any difficulty that could be put in their way. If a man wants to look at a thing he can generally find out.

Mr. PHILLIPS.—You think it is easy for for a man, an employer, to gain knowledge as to the best safety devices, and what kinds are on the market?

Mr. CLUETT.—I think all he would have to do would be to write to Commissioner Williams.

Commissioner WILLIAMS.—Have you found any trouble, or rather have any of your employees been injured by reason of their manner of dress?

Mr. CLUETT.—I don't know of any. I got a report from one of the insurance inspectors not long ago in which it was said that a complete inspection of the plant prompted them to make the following recommendation: That the girls should wear their hair a little closer to their heads. But where you don't have overhead belting, and where they are covered, I think the chances for an accident are reduced to a minimum.

Mr. PHILLIPS.—Speaking of overhead belting, do you use any belting in your plant by electric drive?

Mr. CLUETT.—There are separate motors on each table.

Mr. PHILLIPS.—So that you have no overhead belting at all?

Mr. CLUETT.—Only in the wash shops, etc.

Mr. PHILLIPS.—How long have you had that system?

Mr. CLUETT.—Since 1905, I think.

Mr. PHILLIPS.—Can you give us any figures as to the relative cost of electric drive, as compared with the power from shafting and belting?

Mr. CLUETT.—Well, two out of about forty per cent.

Commissioner WILLIAMS.—How about the strain on your structure?

Mr. CLUETT.—It is all right in that regard; and it is a very much cleaner and brighter light.

Professor SEAGER.—Do you have special facilities, or do you use coal? You don't have any water power?

Mr. CLUETT.—No, sir.

Mr. PHILLIPS.—And there is about forty per cent. wasted in carrying on the sewing?

Mr. CLUETT.—Yes, sir.

Mr. PHILLIPS.—So that you think as a matter of expense your present system is cheaper?

Mr. CLUETT.—Yes, sir.

Mr. PHILLIPS.—Is the present method of starting and installing a new power more expensive?

Mr. CLUETT.—Yes, it is.

Mr. PHILLIPS.—But not so expensive as to offset the latter saving?

Mr. CLUETT.—I don't think I will go back again.

Mr. PHILLIPS.—Do you know anything as to the tendency on the part of employers to take up the electric drive?

Mr. CLUETT.—Well, it is being done.

Mr. PHILLIPS.—Is it limited to new factories, or is it being done in old factories that way?

Mr. CLUETT.—I think in several instances that I know of the old factories were being changed in that regard.

Mr. PHILLIPS.—There is not much expense?

Mr. CLUETT.—Not so far as the factory is concerned.

Commissioner WILLIAMS.—And the substitution of electric drive for the system of shafting and belting tends to reduce the element of danger?

Mr. CLUETT.—I think it does materially. Yes, sir.

Mr. PHILLIPS.—How about the increase of danger by an accidental contact with your electric machinery?

Mr. CLUETT.—It is a light voltage and does not make any difference.

THE CHAIRMAN.—Mr. Cluett, how would you contrast the inspection of a factory department with the inspection you get by the people who insure you?

Mr. CLUETT.—I think the factory department is fully as particular, and in fact,

a little more so than the insurance inspectors.

THE CHAIRMAN.—How often does your insurance inspector come around?

Mr. CLUETT.—About four times a year.

THE CHAIRMAN.—And as to the character and capacity of the men in each case?

Mr. CLUETT.—Well, I think they are about on a par apparently.

THE CHAIRMAN.—And you think the Labor Department inspectors are as efficient and men of as high grade as the men employed by the insurance companies?

Mr. CLUETT.—Yes, sir. But there is one suggestion that I feel might be made in that regard: taking our fire insurance companies that never have the same inspector come through a factory more than twice in four or five years.

Senator PLATT.—Do you think that it would be wise for the Labor Department to have different inspectors?

Mr. CLUETT.—Yes, sir. I think if there were different men inspecting, and not the same inspector, it might be better. Of course, there is something to be said in favor of a man being used to the shops in which he is inspecting.

Commissioner WILLIAMS.—I would state to the Commission that we are doing that largely to-day.

JOHN J. FLINN, representing Metal Polishers' National Union, then addressed the Commission as follows:

THE CHAIRMAN.—Mr. Flinn, what interest do you represent?

Mr. FLINN.—The Metal Polishers of New York.

THE CHAIRMAN.—Are you connected with any organization?

Mr. FLINN.—Metal Polishers' National Union, as chairman.

THE CHAIRMAN.—Any officer in that body?

Mr. FLINN.—Yes, president.

THE CHAIRMAN.—And what relation have you to the State body?

Mr. FLINN.—I am a local representative in New York city, and have been delegate a number of years to the State Federation.

THE CHAIRMAN.—Do you devote your time to the interests of your organization?

Mr. FLINN.—Yes, sir. I am the representative of the Metal Polishers and devote all my time to it.

THE CHAIRMAN.—Have you, yourself, followed that trade?

Mr. FLINN.—Yes, sir.

THE CHAIRMAN.—How long?

Mr. FLINN.—Twenty years.

THE CHAIRMAN.—Exclusively in this country?

Mr. FLINN.—Yes, sir.

THE CHAIRMAN.—Where?

Mr. FLINN.—In New York State and vicinity.

THE CHAIRMAN.—Have you, yourself, Mr. Flinn, any suggestions or views to express to this Commission on the subject of the causes and prevention of industrial accidents? In the first place, tell us what are the causes of most of the accidents in your trade; how and why they occur?

Mr. FLINN.—My experience is, that experienced men of the trade very seldom meet with an accident. Men who are running factories to-day, putting in new machines, always tell you that anybody can operate or work them. They tell you that anybody can work on this class of work, with this class of machine, and they put inexperienced men for help on the work and the result is that it is generally the inexperienced man that gets hurt. There are different manufacturers and different industries, some more dangerous than others. You can't work on straight work, or what you designate shell work, and come in contact with dangers that men would come into contact with such as working on work. Very often a man that has worked in a shop doing small jobs will be put on a larger machine that should be worked by an expert with full experience, and not being accustomed to or acquainted with the dangers of that particular work very often meets with an accident. The organization I represent last year sent a resolution to the State Federation in regard to—

THE CHAIRMAN.—Tell us how, and in connection with what kind of machinery, men in your trade are most apt to be injured?

Mr. FLINN.—Well, take the machine-shops where the men are working too close together; a man may be working on a piece of work and may be a fairly experienced man and his neighbor also may be a man with as much experience as the other man, but the lathes are put too close together and the man working there on piece work and his neighbor working next to him possibly might unintentionally touch his elbow, and the result would be that the man would be caught and injured.

THE CHAIRMAN.—That is the question of too much crowding of the machinery—the machines and the workmen are crowded too closely together?

Mr. FLINN.—Yes, sir.

THE CHAIRMAN.—And the next—now take the next?

Mr. FLINN.—The next is in regard to injury from belting.

THE CHAIRMAN.—Tell us about that.

Mr. FLINN.—The information that comes

with these different devices for belting always states that anybody can fix up the belt. In former days, when a belt was broken, they used to send for a general utility man or machinist to loosen the belt. He was the man they relied on to remove the belt. Since then they have gotten out a patent device in which they claim—in some of these devices of patents—that anybody can loosen the belt and it would only take a moment's time to fix it, the result was, that it does away with the general utility man and also the machinist to fix the belt. Punches are used, and in some cases not even punches. As an illustration, here are a few of them here. (Mr. Flinn produces here a lot of iron implements which are submitted to the Committee.)

THE CHAIRMAN.—That is on the question of belting?

Mr. FLINN.—Yes, sir.

THE CHAIRMAN.—Now, in your trade, how about safeguarding machinery; how many accidents occur from that?

Mr. FLINN.—Many of the safeguards cannot be used.

THE CHAIRMAN.—You mean you have machinery that you do not consider can be safeguarded?

Mr. FLINN.—The only safeguard that can be used in the metal-polishing industry—the matter of safeguards was taken up by the national organization and referred to the different factory departments. Mr. Williams here, referring to State Labor Commissioner, was appealed to and the result is, that through the activity of himself and of his deputy factory inspectors, we have had considerable relief in this regard, and a year ago last August, when I was at the national headquarters at a meeting of the national executive board, we found that the death rate of our organization has been cut down to 67 per cent.—quite a saving. With a good system, there is no reason why the metal-polishing business would not be as healthy or as safe as any other.

THE CHAIRMAN.—Is the machinery used in connection with your work dangerous machinery, irrespective of the belting and shafting?

Mr. FLINN.—No, sir; it is the material we work with. The men work on emery wheels—

Commissioner WILLIAMS.—I would like to break in right here and call Mr. Flinn's attention to the fact that the only danger in connection with the work of his trade is from the bursting of metal-polishing wheels and that is a very great danger, is it not?

Mr. FLINN.—I am going on to that now. In the polishing of materials, such as cast

work, very often it is roughened out on a solid metal wheel. The revolution of that wheel is sometimes too speedy, too high; sometimes there is a flaw in the wheel, and with a high revolution and speed very often it bursts. These wheels vary in size from one-eighth of an inch up, and the widest I have seen I think was about four and one-half inches. Those wheels going at a high velocity when they burst sometimes cause the death of the operator. After the work has been roughened out they then put on a finer grade of emery. The men are working on different grades of work, and the result is that they have to have higher speed and it is a different class of wheel all the time according to the grade of the work. We have the walrus wheels, commonly called, and the wooden wheel and sometimes a rock wheel with a metal cutting on. With those there is very little danger. Once in a great while there is a bursting of a wooden wheel that has not been glued properly. Once in a great while the leather covering will come off.

THE CHAIRMAN.—Does the bursting of a wheel have much serious consequence? Describe that, Mr. Flinn.

Mr. FLINN.—They put in squares of wood, generally white pine wood, and so fasten it that it is almost impossible, under ordinary circumstances, if the wheel is properly put together for it to burst. The revolution of this wheel is generally about eighteen hundred revolutions.

Senator PLATT.—Of wooden wheels?

Mr. FLINN.—Yes, sir; and they run from 2,400 to 3,000 revolutions a minute at times. Many men get hurt that way. Sometimes the work that has not been properly done, sometimes where it has not been properly finished before it comes home in trying to put it back on the polisher, these catches or clutches fly from a broken belt and the man was injured by the flying pieces. Sometimes the work is dangerous when these accidents happen, and almost every time an operator gets hurt by these flying pieces. I know of one case of a man who was laid up for sixteen weeks by a very bad cut in the hand.

THE CHAIRMAN.—There is no way of covering that?

Mr. FLINN.—No, sir; you can't prevent that; there is no safeguard the polisher can use on that. It is cheapness that causes it sometimes.

Mr. PHILLIPS.—Cheapness of the parts of the machinery he is working on?

Mr. FLINN.—No, cheapness of the article sold through competition. The competition is very keen in that industry, so that there is hardly any remedy for it.

THE CHAIRMAN.—If you get the metal wheel it is?

Mr. FLINN.—The metal wheel is the first operation.

THE CHAIRMAN.—That is the coarse operation?

Mr. FLINN.—Yes, sir.

Professor SEAGER.—Can you use guards to avoid that danger?

Mr. FLINN.—There can be guards on the solid wheel.

THE CHAIRMAN.—You mean to say that you have never seen those wheels used actually in your experience?

Mr. FLINN.—No, sir; I have never seen one in operation.

THE CHAIRMAN.—Can you guard where the consequences are so serious, or shouldn't that be guarded?

Commissioner WILLIAMS.—They should be guarded.

THE CHAIRMAN.—I attended a lecture once where the emery wheels used in turning the shafting were guarded. Is there any way of dealing with that?

Commissioner WILLIAMS.—Yes, sir; and we will have to deal with that subject. I am not sure whether amendments should be made, or how.

THE CHAIRMAN.—Have you ever made any attempt to have emery-wheel guards—to have emery wheels guarded?

Commissioner WILLIAMS.—Only in this way: To require larger clamps gripping the wheels.—the clamps that are on each side of the wheel, the flanges. Those orders we have issued.

THE CHAIRMAN.—Have you ever issued an order requiring the use of guards on emery wheels?

Commissioner WILLIAMS.—We have not for coverings for emery wheels.

THE CHAIRMAN.—But you think it is practicable for us to cover them?

Commissioner WILLIAMS.—Yes, sir; I think it is.

THE CHAIRMAN.—And if you were certain of your power you could secure the result?

Commissioner WILLIAMS.—Yes, sir; I think we could. I believe that the use of the convex wheel itself will, perhaps, eliminate 75 per cent. of the danger rates from bursting emery wheels.

THE CHAIRMAN.—How many cases or instances from accidents resulting from bursting emery wheels have you had reported to you during the last year?

Commissioner WILLIAMS.—I have a statement here that gives a number of accidents where workers have been injured by flying parts of these wheels; it is from April to June, 1910.

Mr. CLUETT.—I would like to break in right here. I wanted to ask the Commissioner whether he had ever heard of an emery wheel bursting that was covered with a cast-iron casing, and also if that would blow the casing as well as the emery wheel; if that would give away when the emery wheel burst?

Commissioner WILLIAMS.—Unless the covering is of very heavy material; when the wheel bursts the covering goes with it. The coverings I saw while I was over on the other side this last summer were made of steel—steel bands—ranging in thickness from one-half an inch to three quarters of an inch steel; wrought steel.

Professor SEAGER.—There are relatively few instances where they need to be so strong?

Commissioner WILLIAMS.—Yes, sir.

Mr. FLINN (continuing).—Do away with every covering on the emery wheel and if that does burst even the side of the building would not hold it in. The cause of the bursting of the wheel is the high velocity of the wheel. It is a foolish idea of a good many manufacturers, and sometimes of inexperienced workmen, that the high velocity of an emery wheel is any benefit; it is not; any emery wheel of solid stone running over 1,400 will glaze. Once an emery wheel glazes it won't cut any more, and in order to remedy that you use a diamond to take the glaze off the wheel and in some places they use what they call a dresser. They put it under and trim off the wheel, sometimes to make it true and sometimes to take off the glaze. If the limit was held between 1,200 and 1,300 there would be very few instances of injuries and a better result from the use of stone.

Mr. PHILLIPS.—The only advantage of a high velocity is to shorten the time of the operation?

Mr. FLINN.—Yes, sir; but as soon as it gets beyond a certain velocity the wheel glazes.

Mr. PHILLIPS.—So that in reducing the velocity you would do no more than lengthen the operation?

Mr. FLINN.—I don't know as you could do that, either.

Mr. PHILLIPS.—It wouldn't affect the character of the work, would it?

Mr. FLINN.—One of the first things for an apprentice to learn is to find out how much cut is in his wheel. When he finds that out, then he makes up his mind that he does not force it. Emery wheels you can't force, whether it be a leather covered wheel or one of solid stone.

Mr. PHILLIPS.—Then you think a lot of driving velocity would prevent accidents?

Mr. FLINN.—I don't know as it would cut out all. If there is a crack in the stone, or a fault, it possibly would burst.

Professor SEAGER.—I suppose that can be prevented by a careful inspection of the wheels?

Mr. FLINN.—Yes, sir; possibly so. I know a case of one of our men who some years ago was working on a stone that was made by S. S. White Dental Company of Syracuse. The man who was working on the wheel when it burst was killed and the coroner's jury brought in a verdict that he was responsible himself. He couldn't contradict it, and it went undisputed. It is generally that way, for the average man who works, as I say, like a case I saw in a shop where I worked where they had a wheel in a machine-shop where some of the machinists used to go and sharpen their tools. It was a wooden wheel about seven inches in diameter, and an inexperienced man was handling the wheel and the result was that it burst and took off the entire crown of his head, and he was very lucky that it did not take his entire head off. It is very often so with inexperienced men. Now, when I speak of the high velocity of these polishing wheels the revolution is very high, and when they give way if a man is near or working on the wheel he is almost certain to get hurt. I remember some years ago when I was working in A—— Coal Company; the belting they use—the belting is all right when the belt is new, but when the belt gets old they keep putting in piece after piece and when a belt gets about twenty years of age they have to put on pieces to replace the worn-out parts, and this particular belt had about twenty pieces on it——

THE CHAIRMAN.—Do they put the belting on while the machine is in operation?

Mr. FLINN.—Yes, sir; to illustrate it properly: This wheel was being driven—it was a polishing lathe and going 2,750, I believe the speed was, and the driving pillar was about three feet in diameter and when the pillar came on the lathe it was about four. This particular man in ironing up on this morning went to put up the belt, and in shoving up and starting it caught around the shafting and in throwing the belt on to the revolving pillar it didn't come all the way up and the result was that it came down and cut his hand and wrapped him around the shafting breaking his hand and breaking it here, and then pulled it out.

THE CHAIRMAN.—Pull what out?

Mr. FLINN.—Pulled his arm out.

Mr. PHILLIPS.—There was no clutch on the belting?

Mr. FLINN.—No, sir; no clutch or shift. Of course he didn't know what happened to him. The consequence was, he went to the

hospital and he is now working at an auxiliary company with an artificial arm. Of course there is a great strain on the leather belt, and when it goes a man isn't in a position to help himself. Of course if one strand of a leather belt loosens in it, it gives a man ample warning, but often he don't get notice of what is coming and then somebody gets hurt or he loses a hand or an arm.

THE CHAIRMAN.—What is your remedy for that?

Mr. FLINN.—Well, the way they are run to-day, and the man throws the belt off himself with his hand he is likely to be drawn in and lose a hand or an arm. Now if they had a shifter on —

THE CHAIRMAN.—What is a shifter?

Mr. FLINN.—Why, it is a device for shifting the belt; for throwing it off and on. When it is thrown on the loose pulley the belt stops.

Senator PLATT.—When a belt comes apart the clutches are torn off when the accident occurs?

Mr. FLINN.—Yes, sir; and when a man comes into contact with that he gets hurt. Of course the men using these have information that tells that anybody can drive these devices right into the belting.

THE CHAIRMAN.—What are these devices that you have produced here—the purpose of them?

Mr. FLINN.—The purpose is labor saving; we don't have to wait to loosen the belt.

Mr. PHILLIPS.—They are used to fasten the belting together?

Mr. FLINN.—Yes, sir; now if the new belt, possibly one end would break—these would do more harm than the belt when the burst comes.

Mr. PHILLIPS.—The purpose of those—what do you call those?

Mr. FLINN.—Iron plates or clutches.

Mr. PHILLIPS.—And the purpose of those is to fasten the belt together on the ends, and they are used because they are labor saving; but your contention is that they are more dangerous than a loose belt?

Mr. FLINN.—Yes, sir.

Mr. CLUETT.—I think most of these devices that have been brought out are used mostly to fasten the belts. The leather belts were tied together with laces, but these were for canvas or cotton belts, and they are used for leather belts. Most of these devices that have been brought out to fasten cotton are mostly plates. They were originally brought out for leather belting; they are now used for leather belting, although originally brought out for canvas or cotton.

THE CHAIRMAN.—These devices are in actual use which Mr. Flinn claims are dangerous?

Mr. FLINN.—Yes, sir; it reduces the cost of putting the belting together, but increases the danger.

THE CHAIRMAN.—What are the metal pieces for with the teeth in them?

Mr. FLINN.—Two parts of the belting are brought together, the two ends are brought together and the teeth are put through each end and pinned there to bring them together; that is what these pieces are for.

THE CHAIRMAN.—Now, what is the metal piece of plate that you have there in your hand for?

Mr. FLINN.—For the same purpose, only put on a heavier belt.

THE CHAIRMAN.—And all these devices that you produce are for attaching the ends of the belt together?

Mr. FLINN.—Yes, sir; so that these things catch the ends of the belt and hold the belt when revolving. It is not only for the benefit of the workmen but with these a workman can loosen the belt and the time consumed is not very much. But when the belt gives way, or anything breaks, these flying pieces will fly off and generally hurt some one of the workmen.

THE CHAIRMAN.—Would you suggest that they be done away with?

Mr. FLINN.—I believe they should.

THE CHAIRMAN.—How can that be done?

Mr. FLINN.—By using the laces; that will stop a lot of accidents.

THE CHAIRMAN.—Is your proposition then, that these metal devices for attaching the ends of belting—that these should be prohibited?

Mr. FLINN.—I believe they should, and leather laces used—rawhide.

THE CHAIRMAN.—They should be restricted to the use of rawhide?

Mr. FLINN.—Yes, sir; the gentleman said in the first place that these were used for canvas belting. Now, with an old belt with so many punctures in it the belt is bound to weaken and then you put on a tight belt where two men, we will say, are working on a piece of work. They generally go on trying all they possibly can to do the piece of work and it needs a very tight belt, and the belt will snap and when it does these things will fly off and something will break. In some of the factories of the General Electric Company at Schenectady there is not a piece of metal seen up there in their polishing-room.

THE CHAIRMAN.—Now proceed on this general subject.

Mr. FLINN.—I would like, if possible, if the Commission could see their way clear in regard to having ample room around the workmen so that they would not be interfered with by accidents of that kind. It is nothing but lack of room; if there was a little more space between the lathes, so that the velocity of the solid stone wheel would be minimized—

THE CHAIRMAN.—Mr. Flinn has stated, Commissioner Williams, that he did not believe there was any guard that would hold a metal wheel that had burst. Have you any remedy where it has burst in the actual use of the guard?

Commissioner WILLIAMS.—I don't think; I have seen photographs of wheels that burst and pieces were held by a flange, or washer, or clamp—call it what you will. Of course in every instance the wheel itself was a convex wheel; in other words, it was thicker at the center than it was at the periphery, and when it bursts the pieces that would naturally fly simply crowd against the flange and are held there—were held there. I have seen photographs of such wheels where the fractures were shown clearly, and where the pieces did not get away.

THE CHAIRMAN.—Mr. Flinn, have you anything else in your mind to say to us?

Mr. FLINN.—Not that I know of, but the suggestion of the Commissioner here—I realize what it means. These two photographs he has here that show the flange, sometimes it may be on a twelve or fourteen-inch wheel, that would not be over three inches on both sides. If a flange is parted at the top the clamp will hold it in, and if this emery wheel bursts there is only three inches there, leaving nine inches outside of that, and if they have nine inches outside it is liable to kill the operator.

Professor SEAGER.—I would like to ask on the question of velocity revolution this question: Is it not true that different types of solid emery wheels are manufactured with a view to different rates of velocity? Are there not emery wheels on the market that do not revolve more than 1,400 a minute?

Mr. FLINN.—The carborundum, I believe is claimed to go faster than that, but every man who works on polishing work—of course they have wheels in size up from one inch in diameter to three feet in diameter. There is one particular shop where they use more men than any other place in the vicinity of New York. It is nearer to an ideal polishing-room than any I have seen—the Williams Drop Forge in Brooklyn.

THE CHAIRMAN.—Can you indicate to

the Commission where you get the worst conditions?

Mr. FLINN.—All through the jobbing shops in New York city. You will find the worst conditions there. They have been shown up for a number of years. I brought a man named Paul Kernan through the jobbing district of New York who was then making a study of labor conditions there, and he told me after the trip that he wouldn't tie his dog where our men had to earn a living.

THE CHAIRMAN.—Anything further from Mr. Flinn, Commissioner?

Commissioner WILLIAMS.—Would it be a practical regulation to require the manufacturers of emery wheels in use in this State to stamp upon the wheel its maximum velocity?

Mr. FLINN.—I believe they already do that, Commissioner. There was a sort of belief between the men of the trade in this State that there was a State law that regulated the velocity of the wheel, but we were never set right on that point.

C. H. CONGDON, Schenectady, N. Y., representing the electric workers' trade, then took the stand to address the Commission as follows:

THE CHAIRMAN.—Are you connected with the organization of electric workers?

Mr. CONGDON.—Yes, sir.

THE CHAIRMAN.—In what capacity?

Mr. CONGDON.—I represent them at the present time.

THE CHAIRMAN.—Locally in Schenectady, or have you any office in the State body?

Mr. CONGDON.—Locally.

THE CHAIRMAN.—Any particular title to your office?

Mr. CONGDON.—Business representative.

THE CHAIRMAN.—Of the electrical workers of Schenectady?

Mr. CONGDON.—Yes, sir.

THE CHAIRMAN.—Have you, personally, had experience as an electrical worker in Schenectady?

Mr. CONGDON.—Yes, sir, and elsewhere.

THE CHAIRMAN.—Where?

Mr. CONGDON.—In New York city, and in this State in general.

THE CHAIRMAN.—And your experience has been entirely in this State?

Mr. CONGDON.—Not entirely; I have been in South America and elsewhere, but those were general trips covering six months or so, but my entire life has been spent in New York State. My object in coming down here was to see if this Com-

mission could not eliminate as much as possible the danger to employees on the different work throughout the general electric trade.

THE CHAIRMAN.—Represent as briefly as you can how the accidents occur in your judgment in your trade?

Mr. CONGDON.—Inexperienced help, being foreigners, and not a practical instruction in the business in connection with the operation of these different men.

THE CHAIRMAN.—Who is to blame for that?

Mr. CONGDON.—Up to the firm and the individual members. Now in Schenectady it is the piece-work system.

THE CHAIRMAN.—You refer to the General Electric Company at Schenectady?

Mr. CONGDON.—Yes, sir. We were paid a day rate, but the day rate is very low and we have gone on the piece-work system, and it is what you might term specializing — each man to a special kind of work. It is no one line of work. Under this system, if a man can't work off his share of the work he is liable to make room for a better man who will be able to turn out better and faster work and get better compensation for the production. It is up to the men to make as much as they can.

THE CHAIRMAN.—What kind of machinery do you refer to now?

Mr. CONGDON.—Punched brass. I would rather leave this question open to Mr. Verhagen. I am more on building construction. My suggestions, however, if you want them, would be that people coming in should give a certain time to get educated before they were put to work at the trade. Then there are the head men of each department who are driving the men so fast that each man will work as quick as he can to get in his amount of the work in his hours, and in the hurry he gets hurt. The man next to him won't bother about him to teach him what he don't know and he wouldn't say, "Look out, you are in danger," and the firm is looking to get as much out of his department as they can.

THE CHAIRMAN.—What remedy do you suggest for that condition?

Mr. CONGDON.—That there should be a local inspector to take in certain districts and go through these shops and report back. Now, with an organization man working in these shops, if anything happens or anything goes on to the injury of the men, and he makes a report or record of it, he would be retired because he is laying himself liable to the company, but if you have a man who will go in and be able to show what the things are there and the remedies that will eliminate many lives being lost,

and the people injured — that seems to me to be a good idea.

THE CHAIRMAN.—You mean some inspector from the Labor Department?

Mr. CONGDON.—Yes, sir; that is what I should suggest.

Mr. SMITH.—The work is done practically on piece-work plan?

Mr. CONGDON.—Yes, the piece-work plan.

THE CHAIRMAN.—You mean with power to prevent the employment of men that are not competent?

Mr. CONGDON.—I mean, that these men, that these firms should be put in a position that the employees — that the man would be made acquainted with the machinery and the danger of working it, before he is shot greenly into it. I think if there was an inspector sent through there into these shops to make an inspection once a week — there are a good many shops there and a good many people — and he can watch these machines and new men coming in. The employment agency picks out the most intelligent looking man and don't care anything about anything but his character, and if he is able to catch a hold of this thing he is a good man and he gets through all right. Where if another man is not as quick, he will be caught. Having an inspector to watch these things would eliminate a great deal of the trouble between the company and the man, or the people getting injured.

Professor SEAGER.—What is the reason for taking on these inexperienced men; is it because the industry is growing rapidly or trying to get a cheaper grade of labor? What is the motive back of it?

Mr. CONGDON.—I could not say on that point.

Professor SEAGER.—Is it otherwise changing, or growing rapidly?

Mr. CONGDON.—I can only say that they will take in a certain class of people, and then there will be an inventory time — that is the time they eliminate these men that don't come up to the standard; in this way they get the standard, as they call it, of their men.

Professor SEAGER.—What is the proportion of men eliminated to the total employment?

Mr. CONGDON.—I don't know just how many they do thin out. The only way I can see to get in harmony with the company and the people in general is to have some man who will come in between the two. This inspector could go to the different local unions and get a report from them that will protect their people and that will make them report, and also from the companies, and by working between the two reports you can nullify a great deal of

this trouble. I suppose the members of that company will go out of the way to protect the men to the best of their ability, but they never know the conditions going on or how the foreman is handling the shop. All the foreman can do is to shove his production out from his department before the other ones can. Now, we would like to get somebody to check that.

Professor SEAGER.—What have you got to say with regard to the use of guards?

Mr. CONGDON.—In some instances guards can be used; in other ones they can't be. I believe our company has guards where they can get guards. I believe on that point they are willing to protect their help.

Professor SEAGER.—Have you any rules or penalties for removing the guards?

Mr. CONGDON.—I can't say.

Professor SEAGER.—Do you know of any man having been discharged by reason of his having removed a guard?

Mr. CONGDON.—Not to my knowledge.

Mr. SMITH.—Do you think it is a common occurrence for guards to be removed by a workman, so as to get more rapid results?

Mr. CONGDON.—Not in this case, because where a guard is put on in good shape they leave it there because it does not interfere with them.

Commissioner WILLIAMS.—Is it not true, Mr. Congdon, that the General Electric Company has affixed to their machines, or a large number of machines, a notice prohibiting the employee operating the machine from removing the safeguards?

Mr. CONGDON.—I believe they have, sir. Now, as to the locomotive works—branch of the American Locomotive Works—

THE CHAIRMAN.—In Schenectady?

Mr. CONGDON.—Yes, sir.

THE CHAIRMAN.—Continue.

Mr. CONGDON.—There is a grade of foreign help hired there at the present time, mostly Polacks; I know of an instance in the shop when I worked there that a man was cut in two. There are two pillars at the end of the yard and he was lowering down one pillar in between the two older pillars and there was a worker on one of these pillars caulking up the seam of a leak. He didn't hear this machine being lowered down, and in passing out his feet first he got there just as this man came down and got caught, and the man that followed it couldn't see him. That is a great deal the fault of these foreigners. A man who has been through the country for a year or two, or at the different plants, makes a better man. There is a great deal of foreign element up there. The American-

speaking part of the country is not so much at fault as these foreign people, and they are to blame because of their ignorance of the system.

Professor SEAGER.—Have these foreigners been brought in because they are cheaper men, or is the plant growing? Do they displace the American labor, or what have you to say about that?

Mr. CONGDON.—I should say the plant had been enlarged.

Mr. SMITH.—In other words, they employ that class of labor because of the lack of the other class?

Mr. CONGDON.—Probably so; yes, sir.

Mr. PHILLIPS.—Because it was cheaper?

Mr. CONGDON.—I wouldn't want to say that way, because every one is up to his ability to get his work out. It wouldn't matter whether a man was foreign or native, it is up to him to get the stuff out. Naturally that is the business—to get the best results out of the labor that you can.

Mr. SMITH.—What would be your recommendation as a remedy for this condition?

Mr. CONGDON.—If you had a local inspector through the labor department to go through these shops and you could get a report weekly, I think that would be a good plan.

Mr. SMITH.—With reference to the competency of the men?

Mr. CONGDON.—Not alone that, but with reference to the accidents that happen, to eliminate them, to see why they happen, what caused them and put a check on them, and if it is the fault of the employer, recommend something to prevent it, and if it is the fault of the employee, fix that up too.

Professor SEAGER.—Do you think one man in Schenectady could get around these large plants fast enough to make a report once a week?

Mr. CONGDON.—I think so.

Professor SEAGER.—The suggestion was made before that it was rather an advantage to have a new man on the job, rather than an old one. How does that impress you?

Mr. CONGDON.—I should leave that one in the place three months, and then you can have a general inspector, or the commissioner himself, or his deputy, could go through once a month to see if this man is living up to his obligations. The man that is educated to the plant, and the people, he will do better than the man that goes through, makes the report, and passes on. You take the experience as I do from the Board of Underwriters. They have a local

inspector and if he has to make any recommendation he states them and there is a record made of it, and if another inspector comes into that matter, he can see the record that they have. I should say of this condition — I should say that a man, a sort of permanent man remaining three to six months at a time, he would be the best man, because he has got to be educated to give good results, and he can only get good results from experience. But there are lots of stuff at times when he is passing through that he could not take up. If he comes day after day, he will see everything as it is. I would like to speak now on construction of buildings and a little bridge talk. On building construction is where I play the most. In building a building the contractor as a rule, wants to do as much labor, or put as much work out, as possible. There are air holes and stairways left exposed and open, where I think the law calls for a guard rail as high as this table to go around it. I know of five or six buildings where they didn't do that. This same inspector could take in these buildings as well. In the Attorney street school — and I refer particularly to that work — I was doing work there for Cleveland & Taylor, electrical work, and the laborer was putting in sashes and it was just one minute to twelve, and he was on a plank that passed through the well hole of the elevator shaft to the third floor, I think, and in going over the plank he overbalanced himself and goes through the well-hole, and had his neck broken. In that case, a superintendent of the board of education and the man from the department of buildings, were all removed the next morning and no one left but the man who had the outside contract. Nobody knew anything about the case and nobody could get any information about the accident. His sister came the next morning to look for the evidence. Of course she couldn't get any of the facts because they wanted to protect themselves and the superintendent of schools and the building inspector who were removed and taken down somewhere else and this woman couldn't get any evidence as to how the man fell or what caused it. There is a case where this local inspector would come into play.

Professor SEAGER.— Of course the local inspector concerned would have to be the inspector from the building department of the City of New York — a man from the local department of buildings in New York city, rather than of the State Department of Labor?

Mr. CONGDON.— I should prefer to have him from the Department of Labor, because the Department of Labor is away

from any chance of influence locally, and having a State Department man this inspector is acquainted to a great extent to take any business he should take in.

Professor SEAGER.— You think the plan to have an inspector of buildings under the city government don't work well?

Mr. CONGDON.— It didn't in that case.

Professor SEAGER.— In your experience you think it does not work well?

Mr. CONGDON.— No, sir; I think if we had inspectors from the State to go around themselves, beyond the reach of the local politicians, he will state the case as it is. But getting the people educated so that they must put up these guards that will save lives — I think it is cheaper to put up guards for a hundred or a thousand buildings than to lose one life, because on one guard is depending the lives of many people. In the Waller building in Schenectady last spring, the well-hole was left uncovered or some of the boards broken out and a man carrying a plank would step down through that and break his leg. A local man coming along there to inspect might make them patch up the break and it would not be any safer than before, but you get another man from outside who would have the interest of the employee at hand, as well as the employer, and he would press the matter home and would see that steps were taken to see that a man would not have his leg broken, or his neck, or lose his life. You know, gentlemen, the income of a laboring man or workman, stops the day he quits work and goes to the hospital.

THE CHAIRMAN.— We tried to remedy that matter last year in our Compensation Act.

Mr. CONGDON.— It is better to prevent the lawsuit if you can.

THE CHAIRMAN.— Your suggestion is, that there should be complete inspection of building operations in this State by competent inspectors?

Mr. CONGDON.— Yes, sir, covering the locality in good shape.

THE CHAIRMAN.— Is it your understanding that the State Commissioner of Labor has no jurisdiction, unless someone who has the right to make it, make a particular complaint to send a man down there?

Mr. CONGDON.— Yes, sir.

Commissioner WILLIAMS.— We haven't the facilities for full inspection, but we can do it on a complaint. I think under the present law if we had a force to inspect we could go ahead and do it.

Mr. CONGDON.— Now, on the Barge canal, I worked there on Lock 7; there was about seven months' delay on the contract

of the Schneider-Acme Company. Now, two years ago, when times were very tight, a great many of us fellows were laid off and we had to take work somewhere, and naturally the Barge canal needed men and we went down there and they brought up a lot of people from the city of New York and other of the large cities, foreigners. There was a very nice man from Brooklyn, a Swede, who had a family of four little children and a wife, and he was working on stone work, and there was a long chain across the canal at that point and he used to ride on the bucket on this wire railway at the noon hour to his dinner and back on the engine. The engineer came around with no brakes on his engine and another engine was coming to the switch to unload and there were four men sitting on the front of the engine, two of them shifted over to the side to get off because there was an opening here on this side but on the other side was filled in, and this Swede started to pass over and was caught and both legs cut off. Now, if you had an inspector there to watch and see if those brakes were on the accident would have been averted and he would not have been killed. And also, if he could have been gotten to the hospital in time he would probably have lived. The Swedish consul in New York city came up to see what he could do with regard to the evidence and this engineer was removed and taken up to another part of the work. Now, another thing that I don't think the Commissioner knows, unless he had a man on the ground—I tried this myself through the book-keeper and timekeeper—if a man wanted to draw his salary from now until next Saturday he had to pay this office 10 per cent. for money we actually earned. I have done it myself. I signed a check for ten dollars and received only nine dollars. Now, out of a bunch of four or five hundred men that makes quite a rake-off.

THE CHAIRMAN.—I understand you that the point to your statement is that they paid 10 per cent. on the pay they draw before the regular pay day?

Mr. CONGDON.—Yes, sir.

THE CHAIRMAN.—That is against the law, is it not, Commissioner?

Commissioner WILLIAMS.—I don't know whether that would be affirmative or not. I don't know as to whether corporations can impose such conditions as they deem proper from their standpoint. I don't know exactly as to that.

THE CHAIRMAN.—Confine yourself to the accidents, Mr. Congdon.

Mr. CONGDON.—Well, go back to the man on the traveling crane that crosses the

river. They get into this bucket, six or eight men get into that bucket or car and go across to the other side. I have seen myself those men go over with the travelers off instead of keeping the travelers on, and the power man would stop his cable too quick, in order to release the bucket to let off the men. There was always great danger in this and I know of a number of men who were injured in going from one side of the river to the other in these buckets. That was on the Mohawk river, where, if they had a proper inspection or if there was a competent inspector there, these people would cross in a row boat. It would make only a difference of from three to five minutes in time between the row boat and the crane. I think the height of the crane is a hundred feet.

THE CHAIRMAN.—Are they compelled to go that way or do they go simply because it is the quickest way?

Mr. CONGDON.—They have to go that way because they have no other way to go. I claim if they had row boats to take them across they could do it within five minutes and there would have been five lives to my knowledge saved. There is a good chance for a man, inspector, to go along that canal and save lives. It is a fact that the contractor is looking to get through the quickest way he can and there must be somebody to check him up, and the State ought to eliminate as much of the trouble and the accidents that kill people as possible. Perhaps this condition prevails all along the canal. They were doing this all through my section.

THE CHAIRMAN.—Is the inspection of the Barge canal in your department of safety, Mr. Commissioner?

Commissioner WILLIAMS.—Only on complaint. As a matter of fact, the Labor Law is silent except upon the construction of buildings. It does not contain a provision under which we could get in and require these contractors to change their methods and conduct their business with a view to the safety of their employees.

THE CHAIRMAN.—Do you think there is a field for this Commission to act there?

Commissioner WILLIAMS.—Yes, sir. The State in its contracts safeguards its interests so that it is not liable. I think if you put an inspector on there he would help a good deal.

THOMAS D. FITZGERALD, speaking for the State Federation of Labor, and as chairman of its legislative committee, then addressed the Commission as follows:

THE CHAIRMAN.—The Commission will be glad to hear anything you have to say,

Mr. Fitzgerald, on behalf of the organization you represent.

Mr. FITZGERALD.—Resolutions were introduced at our convention calling for the proper inspection in tunnel work, in mining work, electric work, and construction of iron work. Our claim is that inspectors are placed in these positions who are not really technical men. We have taken that question up with the Governor, and he has referred us to Commissioner Williams. And we held a conference with the Commissioner and we had to listen to a theoretical statement from the Civil Service Board in regard to the civil service examination for the position of inspector. The placing of practical men over theoretical men as inspectors in this particular situation is what should be done. A man must have, to be able to fill the position of inspector in these trades, a practical knowledge of all the kinds of work that they inspect. We claim that inspectors of iron and inspectors of tunnel work and electrical work have been put on those jobs that do not understand fully the structural iron work, and that is where the faults lie.

THE CHAIRMAN.—Have you anything to say to the Commission that would suggest anything along these lines? What do you say about that, Commissioner Williams?

Commissioner WILLIAMS.—I am in entire sympathy with the contention of the labor men regarding the getting of practical men for these positions. I take this view, whatever; I think that labor men will agree with me in the statement, that, where we can combine the practical and the technical we are so much ahead, but greater stress should be placed upon the knowledge of the practical operations of these industries.

THE CHAIRMAN.—You have no discre-

tion as to the appointment of these men unless, or until, they get on the eligible list?

Commissioner WILLIAMS.—No, sir, and we have comparatively little discretion afterwards. We are confined to the selection of one man out of three certified—one man out of the three highest on the list. One complaint from the buildings' trade is, that on State buildings a man is ineligible even for taking an examination. In our department we have but two of the branches from which these complaints have come, the tunnel workers and the iron workers. We have no able inspectors as such regarding the examinations as to experience of those who occupy those positions.

Mr. FITZGERALD.—I want to add, from the painters' standpoint, a word in regard to the lack of enforcement of the lives of painters by proper guards on scaffolds used for painting. In many instances in going higher up from the first to the second story and so on up, they do not use the wood rail guard in preference to the rope, which is called for on the first or second story.

Commissioner WILLIAMS.—Our department enforces that law upon complaint. We make no pretense—and the reason is obvious—of enforcing the provisions of the scaffolding law generally. We cannot, because we haven't the facilities. If the Commission deems it necessary to provide for the regular inspection of scaffolding, it should recommend an adequate force for that purpose.

Mr. FITZGERALD.—In many instances, in making the complaint, which is referred to the labor inspector, the time he gets around the work is done, and there is nothing to inspect.

The Commission then adjourned to 2:30 P. M. to meet in executive session in the committee room of the committee on —, Senate Chamber, Albany, N. Y.

SCHENECTADY, N. Y., February 16, 1911.

INSPECTION TOUR OF SUB-COMMITTEE ON CAUSES OF INDUSTRIAL ACCIDENTS.

Present: Assemblyman CYRUS W. PHILLIPS, *Chairman*.
GEORGE GILMOUR, *Special Safety Engineer*.
Messrs. SMITH, LOWE and WAINWRIGHT.
G. E. EMMONS, *Manager of Works*.
JOHN RIDDELL, *Mechanical Superintendent of the Schenectady Works of the General Electric Company*.

Mr. EMMONS.—For several years it was the practice of this company, to some extent, to equip machine tools with guards and safety devices, but when the plant began to attain large proportions it became evident to us that we should do this in a more systematic and consecutive manner. We realized that a large expense would be involved in equipping our older tools, as well as new tools purchased, with devices, and it occurred to us that we might interest machine tool manufacturers in more generally equipping their tools with necessary guards, although this, to some extent, had been their practice for years. We decided that thereafter all orders which we placed for machine tools should distinctly state that all exposed gearing must be protected, and since then a large proportion of tools purchased have been so protected. For over four years all our orders for tools have borne the words "All exposed gears to be covered."

Senator WAINWRIGHT.—Did the manufacturers offer any objections?

Mr. RIDDELL.—No serious objections have been made.

Senator WAINWRIGHT.—What do the tool builders say about this?

Mr. RIDDELL.—They apparently realize it is a necessity, and as a rule they show a disposition to do it. As an illustration, last week a new series of catalogues was sent me by a machinery firm of Boston, Massachusetts. In looking them over I found that most of the machines were pretty well guarded, but some of them were not guarded. I acknowledged receipt of the catalogues, and stated my views concerning guarding. I received an answer this morning saying they would call the manufacturers' attention to the matter, and would see that tools were hereafter protected. There are two classes of guards. One can be classed as standard, and the other those for special application. Machine tools of standard manufacture, like a lathe, for instance, of which large num-

bers are produced usually have good appearing cast guards for which special patterns were made. In the case of special machines where perhaps only one, two or three will be produced, it would cost so large a sum to make special patterns and guards as to render it impracticable. In such cases machines are usually sent us without guards, and we make special ones for them.

Mr. EMMONS.—It is the policy of our company to properly guard every machine tool and that is the end we are working for, but as we have nearly 9,000 tools it will necessarily take considerable time (perhaps two or three years) to cover the entire plant. You will observe, however, in going through our plant, that we have made a very good beginning. At the present time we have about fifteen men constantly employed in making and attaching guards who work under the supervision of a man whose present duty is solely confined to the equipment of machine tools with proper guards. Our company recently organized a committee which is composed of a representative from each of the principal plants, Schenectady, Lynn and Pittsfield, which committee works under the general directions of the mechanical superintendents of the several plants, and is responsible not only for the proper guarding of machine tools, but also wood working tools, and for providing such tools as require it with proper exhaust equipment for withdrawing dust or noxious fumes from the operatives.

Senator WAINWRIGHT.—Is there such a committee in all your plants?

Mr. EMMONS.—Yes; in Schenectady, Lynn and Pittsfield. The chairman of the committee is connected with our engineering department at Schenectady. It is his duty to see that meetings are regularly held; that information is disseminated among the working members of the committee. The committee meets periodically at the different plants. Meetings have recently been held in Schenectady and Lynn and the next

one will be held at Pittsfield. They discuss matters pertaining to their work, look over the shops to see what has been accomplished by others, exchange views, drawings and photographs, and in general endeavor to keep in touch with the progress made at the various plants. We propose to have photographs made of all safety devices which will be sent to the local member of the committee at each of the plants. This committee plan will probably be extended to the smaller plants in various parts of the country owned by our company.

Senator WAINWRIGHT.—Will you explain how you first came to do this?

Mr. EMMONS.—This matter was first brought to our attention by the knowledge that the United States Steel Corporation was making special efforts along these lines in all their plants, and we understand has placed the responsibility for safe-guarding their machinery in the hands of a superintendent or other executive. It was suggested to us by one of our New York executives that we do something similar. We acted upon his suggestion and organized a committee to look after the work.

Senator WAINWRIGHT.—Does this committee issue orders regarding guarding?

Mr. EMMONS.—No, this matter is left to the management of the plants. We are endeavoring, as far as practicable, to adopt standard forms of guards. These standards are approved and the person in charge is then given practically carte blanche orders to equip our tools with them.

Mr. GILMOUR.—Is there any department where the men have to wear goggles?

Mr. EMMONS.—There are departments where we would like to have them wear goggles, but as a rule the men will not do it.

Mr. GILMOUR.—Why can not you make them do it?

Mr. EMMONS.—We could enforce it by discharging the men who would not wear them, but do not like to do that. They will, if you insist, wear them for a while, but in our experience they soon cease to use them. We have tried to have chippers use them in shops where there is a great deal of chipping of steel castings but without much success. As a matter of fact, in this plant there have not been many accidents in departments where there is a large amount of chipping. Most of the accidents have been in departments where the work of chipping is incidental.

Senator WAINWRIGHT.—How about the use of guards and safety devices: Do you find a tendency on the part of the men not to use them?

Mr. EMMONS.—It depends where they are used. We can put safety devices upon

woodworking machinery and very frequently find them promptly removed. We have never been able to enforce any rule concerning this. We have issued orders warning operators not to remove guards, and have posted red notices issued by the State Labor Department in the shops, and have placed on all of our machine tools a metal plate which reads as follows:

“CAUTION

“Employees must not remove or make ineffective any safeguard around or attached to this machine.

“GENERAL ELECTRIC Co.”

In spite of all that we have done safety devices, particularly those placed upon work working machinery are frequently removed, and it is very difficult to ascertain the party who removes them, as it is usually done at a time when the foreman of the department is absent. In talking with operators the statement has many times been made to me that the men would rather work without guards than with them, and that there is more danger running machines with them on than without them (this has particular reference to wood working machinery). The men in our pattern shop sent me a letter several months ago, signed by a large number of the men in that department, protesting against using guards. I sent that letter to the Labor Department in Albany and was advised in reply that irrespective of the views of the men, the law gave us no option.

Mr. GILMOUR.—What is your opinion about some regulation for punishing men for removing guards which employers have provided?

Mr. EMMONS.—I think proper guards must be provided before such a regulation should be enforced. There are many guards which are not practical, particularly those designed for wood working machinery and especially in the case of machines that are used for miscellaneous or jobbing work. It is sometimes necessary to remove guards to make repairs and adjustments, and there have been some accidents in this plant which have occurred during the time that the guards were necessarily removed. Ordinarily there is no occasion to remove guards from gearing, belts, etc., except for repairs, and I have never heard any objections to such guards. The particular objections apply to wood working machinery. One of our superintendents recently devised a guard for protecting metal saws which we think is the best guard provided for that purpose. It is rather a hardship to insist that workmen

shall use tools equipped with guards, which in their judgment are dangerous. One of the worst accidents we have had here in a long time was caused by an attempt to adjust a guard over a jointer while the tool was running. The guard fell and was broken in pieces by the revolving cutters and pieces of metal were thrown, hitting a man in the stomach and dangerously injuring him. This was no fault of the guard but rather the attempt to adjust it while the machine was in motion. In investigating this case we found it was common practice to make such adjustments while the machine was running, and orders were then given to discontinue that practice.

Mr. GILMOUR.—I was not referring particularly to guards on circular saws but to guards on bandsaws, for instance. It is an injustice to employers to compel them to provide guards and then have employees remove them.

Mr. EMMONS.—I think there should be some regulation concerning the use of guards. It does not seem to me right that an employer should be held liable for accidents to employees who are injured in the use of tools which have been provided with guards which are willfully removed by operators. I think it entirely proper, if guards of a recommended or standard character are provided, to enforce a penalty if they are removed. Our company was recently sued by an employee of our punch press department, who was provided with a device for removing punchings from between the dies. He was working piece work and in order to increase his earnings made it a practice to keep one foot on the treadle which controlled the movement of the die all the time the machine was in operation. Without the use of the device mentioned it was necessary he remove the metal punchings from between the dies with his hands. He took great chances in doing so and it resulted in the loss of two of his fingers. Although the company was in no way at fault suit was brought and the case tried, but under the advice of the trial judge, who suggested that it might be well to in a small measure remunerate the individual, a cash payment, much less than the amount sued for, was made.

I recently went through one of our shops where two men were working on lathes about fifteen feet apart. The gears were near the floor, and as it was necessary to have access to them to make changes, the covers that protected the gears were hinged. In both cases the covers were wide open and there was nothing to protect the cloth-

ing of the operators from being caught in the gears. In this case there was no willful intent to remove the guards but it was apparent negligence on the part of the operators.

Mr. PHILLIPS.—You spoke about accidents happening that could not be anticipated. I suppose this sometimes happens on machines used by other manufacturers. Could any method be devised of preventing similar accidents which other employers might be subjected to by advising the Labor Department, who could write other employers to provide against similar accidents?

Mr. EMMONS.—I think you will find that leading manufacturers look upon these matters in a broad manner, and I do not doubt they would be willing to coöperate with the State Labor Department in disseminating information concerning safety devices. This would be in a line with a plan which our company has for disseminating information to its various plants. In addition to equipping large machinery with guards we have also given considerable attention to the equipment of smaller or light machinery. In one of our detail departments we have a number of light punch presses operated by young women (16 to 20 years of age). To eliminate the possibility of catching fingers in dies we have attached to the presses a light device which moves the hand of the operator out of the way before the die closes and eliminates the possibility of fingers being injured. This device is applied to punch presses, the movement of which is controlled by pressing a pedal with the foot. It never occurred to us that some similar device should be attached to slow moving hydraulic presses of which several are in use in one of our departments. In that department a few months ago a young woman was operating a hydraulic press. In order to start the press in motion it was necessary that the operator should reach over to the right and pull a lever which opened a valve permitting water to flow and operate the ram. In this case the young woman filled the mould with insulating material and then reached with her right hand and pulled the lever. While the ram was slowly in motion she, evidently supposing that she had ample time to do it, put her left hand into the mould to remove some surplus material. As a result her hand was caught and two fingers cut off. In consequence of that accident instructions were given that all hydraulic presses of that character should be equipped with devices which would prevent an operator from placing her hand

in a mould while the machine was in operation. As a matter of fact, we do not consider that for hydraulic presses such devices are necessary as their movement is relatively slow, but we desired to be on the safe side. It is hard to devise a guard that will be applicable to all punch presses as some of them work so rapidly they can not be guarded, and the character of work does not always lend itself to operating a machine with a guard attached.

Mr. PHILLIPS.—Are you familiar with the Bliss punch press which has a lock requiring an extra motion?

Mr. RIDDELL.—Yes, we have a number of them.

Mr. PHILLIPS.—Do the men object to their use?

Mr. RIDDELL.—No.

Senator WAINWRIGHT.—Would you mind our having some of the photographs showing safety devices?

Mr. EMMONS.—No, we will be very glad to send you a set of them, also any printed matter which may have any bearing on the subject.

Senator WAINWRIGHT.—From your experience, how efficient do you consider the inspections that are made by the Factory Inspection Department of the State?

Mr. EMMONS.—From my experience, I think it varies. As a rule I think the inspectors they have sent here have done their work pretty well. Mr. Owen, an inspector who has done most of this work for several years generally spends considerable time here. He goes through all our departments and while possibly he may not be quite so watchful as a younger man might, his suggestions have usually been very practical. His familiarity with our plant and the work done enables him to form conclusions as to the practicability of safeguards which perhaps might be at variance with the ideas of some other inspectors who were not so familiar with our plant.

Senator WAINWRIGHT.—Do you think the men you have seen are efficient and up to the standard that such men should be?

Mr. EMMONS.—As a rule I think they are efficient. When Mr. Owen was sick last year a new inspector was sent here who it seemed to us went a little beyond the bounds of necessity. We thought that his requirements were rather too sweeping and in some cases arbitrary. Among other things he directed us to build a drying room to dry the clothes of moulders and other operatives employed in our iron foundry, something I do not believe any other concern employing a large number of

foundrymen does. To provide such facilities for about three hundred moulders, one hundred coremakers and three to four hundred laborers and miscellaneous foundry help would require a room, in my judgment, entirely out of proportion. We protested and the requirement was waived.

Senator WAINWRIGHT.—I meant in regard to the installation of safety devices.

Mr. EMMONS.—The inspector referred to directed that many additional safety devices be provided, and with a few exceptions I do not think any serious fault can be found except that I do think some of his requirements were arbitrary and subjected us to considerable unnecessary expense. I believe, however, that employers should be willing to go to the extreme in such matters.

Mr. PHILLIPS.—If you do not mind, for the purpose of record will you state your position with the company?

Mr. EMMONS.—I am manager of the works.

Mr. PHILLIPS.—How many employees?

Mr. EMMONS.—About fourteen thousand.

Mr. PHILLIPS.—Will you state what you are doing with regard to eliminating shafting?

Mr. EMMONS.—We are eliminating all line shafting as rapidly as we can. For several years we have spent a great deal of money in equipping our old belt driven tools with individual motors, and it is contrary to our policy to purchase any belt driven tools. All our new tools are motor driven. We have about 8,600 machine tools in the plant. Of that number about 4,800 are driven by individual motors. We have about 3,200 tools which are principally small and which can be grouped together, perhaps eight or ten machines in a line and driven by one motor at the end of a shaft. Such shafts are, however, all carefully guarded. The nature of the tools and work done does not justify individual motor drive. Aside from the group driven, we have only 571 belt driven tools in the plant or about seven per cent. of our entire equipment, and we are changing them over to motor drive as rapidly as possible. We hope to soon have all overhead main shafts and countershafts eliminated. In our largest machine shop, which contains about eleven acres of floor space, and between ten and eleven hundred machine tools, there is no overhead shafting or countershafts.

Senator WAINWRIGHT.—Have you any suggestions to make to us as to what the State could do in addition to what is being done now, as you understand it, to accomplish the greatest safety and improve the

conditions of employees in the industries of the State?

Mr. EMMONS.—I have not given much thought to that matter outside our own plant. What we have done and are doing is largely voluntary, but I realize many others will do nothing to improve conditions until they are forced to.

Mr. PHILLIPS.—I understand you carry your own insurance.

Mr. EMMONS.—We have not carried any indemnity insurance for several years.

Senator WAINWRIGHT.—How far can the State reasonably go?

Mr. EMMONS.—I don't know whether we ought to have any more laws or not. I think the Labor Bureau should have ample power in these matters and money enough to employ a sufficiently large number of competent inspectors, and that they be instructed to see that machine tools are guarded.

Senator WAINWRIGHT.—What provisions do you make in case of accidents? Have you any surgeon's room?

Mr. EMMONS.—We have an emergency hospital which we established about five years ago. We employ three trained nurses, one of whom is always on duty. We employ no physician as we have arrangements with the City Hospital, and with the leading surgeons in the city to take care of our most important accident cases. Our nurses are competent, one of them being very efficient, having had more experience in the treatment of minor accident cases than the average physician. All minor accidents are cared for in the emergency hospital and first aid rendered to more serious cases. Our emergency hospital is a well equipped sanitary room with all necessary facilities for treating the wounded. All minor cases are sent to the emergency hospital for first treatment and usually, if necessary, for subsequent treatment. If the nature of the accident is such that the injured person cannot be taken to the emergency hospital, a nurse is telephoned for and proceeds to the scene of the accident. He has a gasoline motorcycle on which are carried his bag and simple remedies, which enables him to promptly respond to hurry calls. Instructions are given that telephone calls to the emergency hospital shall have preference over all other communications, in other words, everything gives way in case of accident. If the nurse finds that the injury is a case for the City Hospital, he telephones for the hospital ambulance, and in the meantime renders first aid, and takes charge of the case until the physician from the City Hospital arrives.

Senator WAINWRIGHT.—Do you keep a register of accidents?

Mr. EMMONS.—We have a register of accidents and all accidents are reported. We report every accident to the Labor Department, regardless of its character. We have perhaps been over-conscientious in this respect and I do not doubt that as a result an investigation as to the number of accidents at this plant, as reported to the Labor Department at Albany, will show what would seem to be an unusually large number of accidents, probably more in proportion to the number of hands employed than in the case of some other employers who do not report minor cases such as we report. Previous to last year, acting under instructions from the Labor Department, we reported only such cases as involved a loss of time of five hours or over, but of late all accidents, whether time was lost or not, have been reported; therefore, a comparison of the number of accidents for the last six months would probably show a substantial increase over former periods.

Senator WAINWRIGHT.—Mr. Riddell, what is your position in this plant?

Mr. RIDDELL.—Mechanical superintendent.

Senator WAINWRIGHT.—You have been present during our conversation with Mr. Emmons; have you anything you would like to add to what he has said to us?

Mr. RIDDELL.—I think Mr. Emmons has covered the ground pretty thoroughly, and I can only add concerning gear guards in general on machine tools that we are continually urging the manufacturers to more thoroughly guard their tools. We are, as rapidly as possible, protecting all machines which we received previous to the time the manufacturers more systematically took up the matter of protecting them. As an illustration of the advantages of guards: The other day we applied one to a small emery wheel in the morning and in the afternoon of the same day that particular emery wheel burst. The guard caught all the pieces, allowing none of them to be thrown out.

Senator WAINWRIGHT.—We had some testimony the other day from a practical metal polisher that in his judgment for certain kinds of emery wheels no guards would hold them.

Mr. RIDDELL.—Guards as usually applied to emery wheels are for the purpose of either gathering the dust or preventing water from being thrown about. In such case they would not act as guards in case wheels should break, but when we cover a wheel in the real sense of a guard we

make it of wrought metal and strong enough so that it will not permit pieces to be thrown out in case a wheel bursts. We have a notice posted on every emery wheel about the plant which states the size of the wheel and the maximum revolutions at which it should be run. The revolutions are designed to keep the peripheral speed of the wheel within safe limits. In practice a wheel is, of course, diminished in size with use and in course of time a 12" wheel for instance will be reduced in diameter to perhaps 8". When running at stated revolutions the peripheral speed will, of course, be materially reduced, and the work of the operator is consequently affected, and there is a tendency for the operator to speed up the wheel by changing one of the pulleys. The result may be a speed which is entirely safe for an eight inch wheel but in the course of time that wheel may be replaced with a new

one that is twelve inches in diameter, and the operator not change the pulley, consequently the peripheral speed of the twelve inch wheel is beyond safe limits. While the emery wheel manufacturers have adopted a peripheral speed of 5,000 feet we, in order to be conservative, have adopted a maximum peripheral speed of 4,500 feet per minute. Instructions have been issued from my office that no pulleys used for driving emery wheels shall be changed without permission is obtained from my office. We believe that in our plant the breaking of emery wheels, under ordinary conditions, has been pretty well eliminated, although, of course, there is danger in case of any defect in the wheel itself or in its mounting. In my judgment, if guards are properly made of wrought metal of sufficient thickness, they will hold flying pieces in case of wheels breaking.

CITY HALL, GLENS FALLS.

GLENS FALLS, *February 17, 1911.*HEARING HELD BY THE STATE COMMISSION OF EMPLOYERS' LIABILITY AND CAUSES
AND PREVENTION OF INDUSTRIAL ACCIDENTS, ON THE SUBJECT OF CAUSES AND
PREVENTION OF INDUSTRIAL ACCIDENTS.

Present: Senator J. MAYHEW WAINWRIGHT, *Chairman.*
Hon. JOHN WILLIAMS, *Commissioner of Labor.*
Assemblyman ALFRED D. LOWE.
Mr. GEORGE W. SMITH.

CHAIRMAN.—Gentlemen, this is a hearing called by the Commission, existing pursuant to law, known as the Commission of Employers' Liability and Causes and Prevention of Industrial Accidents, Unemployment and Lack of Farm Labor. It is one of a few hearings that have been held and others which it is planned to hold in the industrial centers of the State to give both employers and employees and those interested in the prevention of industrial accidents an opportunity to appear before us and favor us with their views—First, as to what in the various industries they speak for are the principal causes by reason of which accidents occur; what measures or methods can be adopted to secure a diminution of them, and whether there are any suggestions they have to make as to what the State by the enactment of new laws or by any better methods in the Labor Department, or otherwise, can do to secure better conditions.

Commissioner WILLIAMS.—I was going to say, Mr. Chairman, that I think the controlling reason for your decision to hold a hearing in Glens Falls was that it was somewhat central in its relation to the paper-making industry. As I understand it, it was not the intention of the Commission to attempt to cover every industry in this locality, as they haven't facilities for reaching conditions in every industry in every section, but this seemed to them the best point at which to get at the conditions in respect to the paper-making industry, and also with respect to the mining industry because of our proximity to Mineville. I think that led the Commission to decide upon Glens Falls as the point for the hearing.

CHAIRMAN.—Although you state that correctly, Commissioner, yet we will be very glad to hear anybody who has any suggestions to make to us now, or before we get

through we can give anybody who desires an opportunity to be heard that opportunity. Suppose we start in with the pulp and paper-making industry. Now who is here from that industry?

J. T. CAREY, President International Brotherhood of Paper-Makers.—What little I have to say I would just as soon get it over with for the reason that I want to leave as soon as I can.

CHAIRMAN.—First let me ask you how many men are there in this State engaged in the industry of paper making?

Mr. CAREY.—I could not say for sure, but I should estimate it at 10,000.

CHAIRMAN.—What are the nature and causes of accidents that happen to men in that trade; how do they get hurt?

Mr. CAREY.—Why, generally from lack of precaution as to the safeguarding of machinery. Men sometimes are hired without having any knowledge of the industry to do work that they know nothing about. They are not warned of the dangerous parts of machinery and for that reason they at times meet with accidents. On the other hand even the most skilled man, that it takes years to learn the trade, is liable to meet with accident on account of lack of safeguarding machinery, through the covering or countersinking of set screws in revolving shafts, covering of belting, covering of gearing, operating elevators, by employing men who know nothing of their operation, and various methods of those kinds are the principal reasons of accidents. Others are for inability for to have the machinery properly under control that it can be stopped in case that something occurred, like for instance if a belt run off the pulley. There have been times where it would be impossible to strike out what we would term "a friction" or to shut the engine or water wheel, or whatever the motive power was, down until there

had been damage done. And again we have complained for a number of years for lack of protection, we have also —

CHAIRMAN.— What kind of protection?

Mr. CAREY.— On the part of the employers in safeguarding machinery. That is, protection of covering pulleys, covering belts, covering gears, etc. For example, when I was engaged in the mill I had to take it into my own hands to say that I wouldn't start the machine until the company would safeguard it by proper foot-boards or places to walk over gears, or safeguard it in that way. Matters of that kind occur while there is a law, as I understand it, that now makes it necessary for the employer to safeguard the work by covering all belts, gears, etc., there is a number of accidents where the machine would be shut down where it would be a paper machine that depends upon production, figure upon production per hour, and on that machine in case it become broken or in the operation of mending, etc., there would be very often a foreman that is very anxious to get the machine into operation and will not wait a sufficient length of time to recover or put back in place the guards that are originally made for to cover belts, pulleys, gears or whatever the case may be. The same thing as often applies in set screws, that is, that they stick up over, and in shafting, etc., These are very often the causes of danger. When Mr. Sherman was Commissioner of Labor I interviewed him one time at his office in Albany on account of lack of enforcement of the labor laws as we understood it. I pointed out the fact that in my opinion the present labor law as applying to the paper-making industry was farcical.

I pointed out the fact that the inspector, factory inspector, when he would come to a mill no one of the employees knew him at all. He would go around to the office, make himself known, and by the superintendent of the mill or the manager, whatever the case might be, would be shown through the mill. Now on the front side or what we would term the front side of the paper machine, the side where there is no belting, gearing, etc., he would see that everything was properly done. He would never see the other side where they worked, would never be shown through the basement, never through the back side of the machines where the gearing is. And then he would post their notices that the factory was inspected; we claimed it was not. Any one could come through a mill and make such an inspection and would never see anything and on

account of the employees not knowing who the factory inspector was, or whether he was an inspector or not, until the notices would be later posted on the bulletin, we never knew who was an inspector and when he came. Consequently we were at a loss to give them warning as to where the dangerous parts were, while on the other hand the superintendent or manager of the local plants always knew that he was to be there. There has been numerous accidents and deaths occurring, where death has taken place, rather on account of the non-covering of set screws in revolving shafts.

CHAIRMAN.— To get back to the question of inspection. What result was secured by your representation to the Labor Commissioner?

Mr. CAREY.— Nothing; he stated that he did not have inspectors enough. I pointed out to him that I thought that it was folly to have for an inspector over revolving machines, heavy ponderous machinery, as paper and pulp mills require, men not familiar with the trade, or an engineer that is, a cigarmaker or a clerk or something of that kind that knew nothing about manipulation or operation of machinery. That it would be folly to have such men as that trying to make an inspection to see if everything was all right

CHAIRMAN.— I understand your complaints then were that the inspector came seldom and unannounced and that there was no real inspection, and next that it was not a competent person making the inspection. And that there was no opportunity afforded to the men at that time to make any complaints or bring anything with regard to safety to the attention of the inspectors.

Mr. CAREY.— It is true.

CHAIRMAN.— Has there been any change in that situation?

Mr. CAREY.— Not to my knowledge. At that time when I talked with Mr. Sherman his excuse was that the State government did not give him inspectors enough. I asked him if it didn't provide for fifty inspectors and he said it did but informed me that there were only thirty-six available.

CHAIRMAN.— I assume that you agree with the other witnesses we have before us that there is not enough inspectors in the State to-day to do the work of inspecting the industries of this State?

Mr. CAREY.— I do, I am in hearty accord with that, there is not. It is impossible for the Labor Commissioner to make a full inspection of the machinery with the force he has.

CHAIRMAN.—How often do you think a plant should be inspected by the Department? A. Three months.

Q. Quarterly? A. Quarterly, yes. I believe so.

Q. What do you think the qualifications should be of a man making these inspections? A. A man familiar with the industries or the trades that he is inspecting, for instance —

CHAIRMAN.—Speaking particularly with reference to your trade, what qualifications should a man competent to inspect for safety in a paper mill, what qualifications should he have?

Mr. CAREY.—He should have the qualifications of having either had practical experience as a paper maker working at machinery so he would understand the machinery and the dangerous parts, or that he would be a qualified engineer. Now my reasons of that is that in the first instance there are places that might not occur to the casual observer to be dangerous to the men; to the skilled man they are very dangerous. The next is that the shafting in the basement is very often improperly adjusted for the speed that they seek to maintain. There has never been to my knowledge an inspection as to the revolutions of shafting.

Mr. WILLIAMS.—Stop right there please. Do you know as a matter of fact that there is no power vested in the Department of Labor to deal with that subject—

Mr. CAREY.—I understand, Commissioner, that there was no power.

CHAIRMAN.—What is your suggestion, what power should be given?

Mr. CAREY.—The inspector should make a thorough investigation and should have the right to test the speeds of this shafting in the basement where to the ordinary observer there would not seem to be any danger.

CHAIRMAN.—What is the reason there is not the power now, Commissioner?

Mr. WILLIAMS.—We have absolutely nothing to do with the actual operation of the plant, and that is a problem of operation pure and simple, isn't it?

Mr. CAREY.—As I have understood it, it was, but I believe that, for instance, I will just state an example of it—something like seven years ago I was running, maybe a little less, six years, a power machine myself in a mill and the line shaft in the basement from overspeeding of that shaft came out of the hangers and dropped from 12 to 14 feet to the floor with such force that the iron pulleys sunk into that concrete floor as far as four inches and

there were men working right along there, but fortunately no one happened to be directly under it, but they were working there and continually going back and forth. That was done simply on account of either faulty construction or overspeeding of the shaft and to my knowledge on certain occasions it was overspeeding of the shaft. I do not know as the present labor law gives the Commissioner any right to say that you cannot run it over a certain speed.

Mr. WILLIAMS.—One speed for that and another speed for emery wheels, or anything of that kind? No, sir, we have no authority to deal with that subject at all.

CHAIRMAN.—Maybe you will favor us with some views on that subject a little later on.

Mr. CAREY.—I think those are some of the things that are largely the causes of accidents in the mills. There are other accidents that occur perhaps in the pulp mill industry of which I am not really familiar, as where pulp is ground or coked, etc. I have worked in a sawmill but as far as that end of it is concerned only had a very little experience in that end of the mill, so am not familiar with the sawing of logs, etc. Possibly might secure that information of some of the others maybe. But I believe that trap doors that are so in use around the elevator shafts are not properly covered with a lift to safeguard the opening when it is in operation or when the trap will be open. I have personal knowledge—I know of elevators running in mills without any trap or lift to guard the opening when the elevator is in operation and those are matters that I think there is a chance to improve upon by the law being enforced as it now stands. I think there is a law to that effect and that there must be a lack of enforcement for lack of a sufficient number of inspectors.

CHAIRMAN.—Now, have you any recommendations to make to this Commission as to what by law can be done to make conditions safer in the paper making industry?

Mr. CAREY.—Give the Labor Department adequate power and ensure the selection of a sufficient number of properly qualified inspectors. That is what it comes down to and extending that power to be the judge as to say how fast machines will run, that is, shafting machines, and with a known danger limit to the revolving shafts and equipment that precaution is taken.

CHAIRMAN.—Now, Mr. Carey, you have spoken of properly safeguarding the ma-

chinery by putting guards around gears, shafting, etc. Where there are safety devices we have observed in some of the places we have been, a disposition on the part of the men not to use the guards provided for them.

Mr. CAREY.—Well, it is largely on account as the very instance I cited, that there might be a machine that might be closed down from the breaking of a belt. Generally the foreman in charge is responsible for the lack of disposition to use these guards that are provided for the reason that he is so anxious to get the machine in operation that the man operating or working the machine will lay himself open to criticism since he is without authority for going further up.

CHAIRMAN.—You, of course, would consider it very culpable on the part of a manufacturer who could guard a dangerous part of a machine for it not to be guarded?

Mr. CAREY.—I would say that it was. Trying to save expense.

CHAIRMAN.—You would say as a general proposition that a manufacturer should guard the dangerous parts of his machinery if he can?

Mr. CAREY.—Yes, I think he should be punished if he would not.

CHAIRMAN.—Wouldn't it work both ways—taking the man where a guard was provided and he did not use it, should not he also be penalized?

Mr. CAREY.—I think it would be the proper thing.

CHAIRMAN.—Our investigation showed for example in a great many manufactories that often where guards were provided the men did not use them.

Mr. CAREY.—If the employer does provide a guard and sometimes the employee does not use it and an accident occurs, I think the man should be penalized.

CHAIRMAN.—I was given to understand that the laboring man generally would rather object to going to that extreme.

Mr. CAREY.—I have never.

CHAIRMAN.—You think that the average man who has to work on a machine would admit the justice of that proposition if he got a guard and does not use it that he might be subjected to a fine?

Mr. CAREY.—I do. I think it just that he should.

CHAIRMAN.—Are there any questions, Commissioner, you would like to ask Mr. Carey?

Mr. WILLIAMS.—Could you give the Commission, Mr. Carey, any idea as to what particular machine or machines or machine parts cause accidents beyond what

you have already stated with reference to set screws and gears?

Mr. CAREY.—Well, there are other parts, for instance, numerous accidents on paper machines occur in what we might term the press rolls or in the calender rolls. It is impossible for the employer to put guards there on some of those for the reason that they are guarded now as far as it is practical to guard those parts and even at that accidents occur there.

Mr. WILLIAMS.—How are they now guarded in the matter of a calender?

Mr. CAREY.—In the part that feeds paper right into the calender feeds. It is an ironing process and when the paper comes through only in cases of a separation or break of the paper when first put into the part that feeds paper down through the stack. I went up to my shoulder once for the reason it was not safeguarded.

Mr. WILLIAMS.—Do you think that part of the operation can be so guarded as to make accidents impossible?

Mr. CAREY.—Why, on the whole, I will say that as far as the calenders are concerned I think the accidents there almost reduced or entirely wiped out only when there is a break; occasionally an accident happens on a stack of calenders when for example in front of what we would term the bottom nip there is broken paper lying on the floor and the man happened to be working there, so that the paper might get by some accident into the nip and draw his foot in under. Now, a guard at the first bottom nip, at the first calender stack would have prevented an accident, a piece of pipe or something of that nature. Coming to the press roll, there are numerous accidents occur in what we might term changing or washing of filters, a filter being as we might say a cloth substance to keep the pulp from forming on the presses and through the machine, on account of coming into it in a wet form. The filter gets dirty and must be washed at certain periods as often as it gets dirty. In the washing process the filter is out of use for a time and unless by turning the felt over will not run over night without washing again. By turning over on the other side a filter would for a time do your work a great deal better. In this turning process there have been numerous cases of broken arms, frictions not being able to be struck out or run the press slow. In a high speed machine, 400 or 500 and even 600 revolutions, to turn over a piece of felt 165 inches wide you are quite liable when you get in one section the friction is not so you can strike in and run slow to get an arm in there and pull it. Men

can not take hold as it is revolving and numerous accidents occur in that way, an arm being caught and thrown around and likely broken. Friction is the safeguard of that. If friction works all right so you can run it slow it is the only safeguard to put around the turning of a belt.

MR. WILLIAMS.—The application of friction equally?

MR. CAREY.—Yes, sir. If it is not working properly very often accidents occur for lack of being properly working.

CHAIRMAN.—To provide that friction is one of the changes needed?

MR. CAREY.—That is failure to distribute it equally, a matter for the foreman to properly oversee that. There are frictions only the disc is so small that it wasn't large enough to regulate the power as to the drive and on account of that the disc being so small and the friction belts slipping and it would be impossible to prevent slipping without shutting the machine down to adjust it. Numerous occasions of that kind occur.

CHAIRMAN.—Is there any way to put any safety device or any guard on that?

MR. CAREY.—The only thing I know, it wouldn't be in the way of a speed device, any more than to make it obligatory for the employee to immediately report this to the superintendent or whoever has charge of the machine. For failure to do so that he would be responsible for any accident occurring. And with the employer for any failure to immediately stop the machine and fix the part complained of he would be responsible for accidents.

MR. WILLIAMS.—You do not hold, Mr. Carey, that a State inspector would correct that condition?

MR. CAREY.—The only way he would correct it would be this, he would be a medium by which the employee could seek redress if he did not get it. For instance, I was working for an employer; I reported this to the overseer, nothing was done, fortunately no accident had occurred. What else could I do. Couldn't go any further until an accident occurred, where on the other hand say an inspector came there quarterly. I could report to him and he would enforce the law and see that that was immediately done. That would be my idea.

CHAIRMAN.—Commissioner Williams, has the Department power to pass on shop rules or to insist on the prescription of shop rules?

MR. WILLIAMS.—Not under the present law. That is purely a matter of administration.

CHAIRMAN.—If the question Mr. Carey

raises involves shop rules how would it do to amend the law?

MR. WILLIAMS.—If you amend the law so as to enable the Department to deal effectively with such questions then it puts up to us the problem in a different light. I want to ask Mr. Carey a question. In your testimony you called attention to the fact that machinery of your machine was all on one side.

MR. CAREY.—That is the motive power is on one side, the gearing on one side.

MR. WILLIAMS.—I will change the form of this—it is necessary for the machine tender and his helpers to get at these gears from time to time is it not?

MR. CAREY.—In so far as their duty requires them to work around, walk around, and go from one part to another back among those gears. It is not necessary for them to get at them for those gears are never supposed to be touched while the machine is in operation because you can not do anything with a gear when the machine is in operation.

MR. WILLIAMS.—I understand that. However it is necessary at times to bring about readjustments, not while the machine is in operation but at other times.

MR. CAREY.—Yes, necessary.

MR. WILLIAMS.—And these gears are in cams?

MR. CAREY.—On the — yes. That is not the most dangerous gear of the machine, the pinion is the most dangerous.

MR. WILLIAMS.—What method would you suggest for the proper safeguarding of those gears? Would you recommend that they be completely covered by metallic covers?

MR. CAREY.—Not necessary.

MR. WILLIAMS.—Or that they be covered by means of gates hung to the framework of the machinery and covered over with wire mesh or expanded metal so that person could not come in contact with the gears without opening the gates?

MR. CAREY.—I would say the only precaution necessary would be to have the dangerous portions protected with metal, that is, an iron covering.

MR. WILLIAMS.—A solid covering?

MR. CAREY.—Something like that.

CHAIRMAN.—Or a mesh?

MR. CAREY.—A mesh would not hardly apply; have to guard the dangerous portions of it so one part of the gear does not come in contact with anything else. The dangerous parts of the gear when the press is running are the parts, in my opinion, that should be protected.

MR. SMITH.—Why wouldn't a mesh be applicable?

Mr. CAREY.—No way of attaching it to the machine without making, as you might say, another enclosure, and I believe that it would perhaps be an unnecessary attachment, burdensome to the employee, too often making it necessary for him to have his mesh down so long and to remove and replace it before operation. Just a little casing that could be sectionally removed very easily would not require so much loss of time and give the same safeguard.

Mr. SMITH.—You think a metal band with open side, wire side, would be feasible?

Mr. CAREY.—I do; yes, I do. I haven't in mind anything particular on that as to what material might be the best and presumably there could be several things.

CHAIRMAN.—You never found any particular kind yourself?

Mr. CAREY.—Have not given it much consideration.

Mr. WILLIAMS.—In the absence of a solid metallic covering or a gate covered with wire mesh or expanded metal, would you consider the erection of a guard rail on the under side of the machine taking its full length so as to keep a person a certain distance away as feasible and practicable to prevent accidents?

Mr. CAREY.—No. It would prevent your placing oil in the boxes unless they were self-oiling boxes, but otherwise your appliance wouldn't apply, but if they did have what we might say self-oiling boxes then it would apply, as it wouldn't be necessary to get back to the machine at all while in motion.

Mr. CHARLES LITCHFIELD.—I am president of the Glens Falls local organization of papermakers. Mr. Carey covered the ground thoroughly, unless you have some questions you want to ask—the Commission or the Commissioner of Labor or Mr. Carey has any questions.

Mr. CAREY.—Any particular peculiarities of the trade that you know of that you can mention? You mentioned one to me, up in Chateaugay.

Mr. LITCHFIELD.—I agree with Mr. Carey that the inspector doesn't do his work properly. Do not know whether it is because of him or because there is not a sufficient number to do the work. It is true that there is a lack of inspection; I think we will all agree that the factories are not inspected properly. The factory I have in mind I was telling Carey about a few minutes ago. I knew of a dark hole, wasn't six feet wide. And there was a line shaft and there was a coupling there with seven or eight set screws that were

known to stick out not less than three inches. No guard on that and you had to get up through there to oil the machine. On an average certain persons in the mill passed by four or five times through the day.

CHAIRMAN.—Ever hear of anybody being hurt?

Mr. LITCHFIELD.—Not on that particular machine. There were several times when the set screws caught a man and shook him up a good deal. The shafting set up from the floor and was simply whirled around. One of the men who was caught there was three or four weeks laid up.

CHAIRMAN.—How long ago was that shafting in that condition?

Mr. LITCHFIELD.—Last fall, about October; some time in October. Mill owned by B. C. Barr.

Mr. WILLIAMS.—There is a point I want to make clear, Mr. Chairman, and it is, that there is a difference between a set screw and coupling bolt. Now the law does not touch coupling bolts, unfortunately; it does specifically enumerate the set screw. There is a point that we should bear in mind.

CHAIRMAN.—I do not quite understand. You say it covers set screws. How?

Mr. WILLIAMS.—It particularly enumerates set screws, that they should be either countersunk or covered, but it does not touch coupling bolt.

CHAIRMAN.—That is what he said.

Mr. WILLIAMS.—I thought you said it projected on the side over the set screws.

Mr. LITCHFIELD.—Set screw on the coupling; — in here run from one shaft to another. This went over two shafts and those set screws were there to hold the gear from sliding —

Mr. WILLIAMS.—That is a different idea. I must confess that I have never seen a set screw on a coupling.

CHAIRMAN.—When you find a set screw not sunk what do you do?

Mr. WILLIAMS.—We can order that it shall be countersunk or covered.

CHAIRMAN.—Suppose they do not do it?

Mr. WILLIAMS.—We prosecute.

CHAIRMAN.—Ever made any prosecutions? Did you ever secure convictions or fine?

Mr. WILLIAMS.—We have in some cases and failed in others.

CHAIRMAN.—Maybe you can give us some specific instances, Mr. Litchfield, of accidents coming under your observation, how they occurred, on what particular machinery and what might have prevented them.

Mr. WILLIAMS.—That is exactly what I wished to bring out.

Mr. LITCHFIELD.—Well, I think set screws were the worst thing.

CHAIRMAN.—You mean the most frequent cause of accident.

Mr. LITCHFIELD.—Yes, sir.

CHAIRMAN.—Is it a very serious accident when it occurs?

Mr. LITCHFIELD.—Well, it is very liable to be, the shaft may be running 400 revolutions a minute and if a man got caught there he would not get a chance to do much; there is not more than two feet space. One accident I remember, and they have just as many traps in this State as in that, where the man had to be picked up in a basket. It was on account of a set screw.

Mr. WILLIAMS.—On an overhead shaft?

Mr. LITCHFIELD.—No, it was set up from the floor, set on hanger, wooden hangers running lengthwise on crossbars only a foot or a foot and a half between. His clothes got caught in the shaft and he only had a little space to go around in.

CHAIRMAN.—Some other.

Mr. LITCHFIELD.—The dangerous machines or operation of machinery in paper mills which is of frequent cause of accident.

CHAIRMAN.—In your judgment what should be done with regard to that?

Mr. LITCHFIELD.—Mr. Carey spoke about the friction clutch; there has been times when the friction clutches refused to stop when we struck them out. Of course it is hazardous work we have to do but at the same time may be protected. Every section of the machine is run by friction clutch. If a man happens to get caught, if you cannot stop the machinery what are you going to do? Whereas, if we could strike out the machine we might save a life or an arm.

CHAIRMAN.—Cut out that particular machine?

Mr. LITCHFIELD.—Yes, sir, just throw over the reverse.

CHAIRMAN.—Are there any plants so equipped, Commissioner, that you know of?

Mr. WILLIAMS.—I believe that that is the arrangement in all plants, but the trouble is that it does not always work or strike out.

Mr. LITCHFIELD.—Well, it is very necessary that we have the friction, although it is not always properly taken care of and in working fashion.

CHAIRMAN.—Now, do you agree with Mr. Carey as to what can be done?

Mr. LITCHFIELD.—Well, I agree that we ought to have the law properly enforced to make them look after such things.

CHAIRMAN.—Is that a matter, Commis-

sioner, for inspection or for special amendment of the law?

Mr. WILLIAMS.—I am not quite sure, Mr. Chairman, that we need additional legislation on that point. It is the first time that this matter has ever been brought to my attention, this matter of the failure of the friction clutch to work. Our inspectors could be instructed to test every friction clutch in the plant when they go through.

Mr. CAREY.—One reason why we never had any redress is that we never had a chance, as I pointed out, never knew who the inspector was, or we could have had it enforced.

Mr. WILLIAMS.—Mr. Carey, I do not think it at all essential that the men in the plant should know when the inspector comes around.

Mr. CAREY.—I would disagree with you on that.

Mr. WILLIAMS.—The inspector is supposed to cover the entire plant.

Mr. CAREY.—I have seen a lady inspector coming through a mill inspecting paper and pulp mill. I believe in having one come to see about certain sanitary conditions and that they are complied with, but it is a waste of time many times to have a lady come to inspect machinery.

CHAIRMAN.—I do not quite understand your point; you do not think it is necessary that the men should be aware if an inspector is going through to have an opportunity to bring any dangerous conditions to his notice.

Mr. WILLIAMS.—What I meant to say was this, Mr. Chairman, I do not see that it is essential for the department to notify either the employers or the employees of their intended visits; as a matter of fact we prohibit that very thing, for we don't want either the employers or the employees to have previous notice of our visits.

CHAIRMAN.—That is obviously wise, of course, nobody would dissent from that.

Mr. CAREY.—The point is, when a man happened to be there for the men to have notice to that effect. If he would come in uniform or with some marks on known to the men in there. I agree with the Commissioner that it is no one's business when he came there so they wouldn't be prepared, but the employee should know as well as the employer when he was there.

CHAIRMAN.—That brings up an interesting question in inspection.

Mr. WILLIAMS.—The inspectors are supposed to wear their badges when entering a plant on the outside of their coat, and if they don't do it I would like to know.

Mr. CAREY.—I have worked in a mill and never saw an inspector in the mill with

a badge on, and I do not believe that I can find ten people who have.

CHAIRMAN.—A distinguishing shield on the outside of the coat?

Mr. LITCHFIELD.—I worked eight or ten years and never seen one in my life.

Mr. WILLIAMS.—Let me make one remark—that isn't necessary, for the paper-making industry runs night and day and it is quite possible that it happened the week when the inspector was there you were on night duty, so you wouldn't see him.

Mr. CAREY.—Up to a few years ago the average man was working twelve out of every twenty-four hours, and was on nights every other week.

Mr. WILLIAMS.—Of course the inspector doesn't visit the mill at the same time in each year. You might be working for twenty years and never see an inspector in the plant as the inspector goes through, not according to a schedule, and you might be working nights upon each occasion of his visit.

Mr. LITCHFIELD.—Very improbable though.

Mr. WILLIAMS.—Even though you haven't seen an inspector yourself, has it came to your attention that there was a recent inspection here to-day or yesterday?

Mr. LITCHFIELD.—I have never seen a person who saw him personally.

CHAIRMAN.—Are you making this suggestion as one of the suggestions that there should be that opportunity afforded to the men when he does come there to bring any matter that they desire to his attention?

Mr. CAREY.—If he had any mark on so they could know when he does come there.

Mr. SMITH.—Let the inspector come unannounced, make his inspection without any advance notice to anybody, and then after he has been there and done his work as thoroughly as he thinks it should have been done then have some arrangement for meeting representatives of both sides.

Mr. CAREY.—I think the inspector should be uniformed.

Mr. SMITH.—Then any points that haven't been properly looked after he could go again to the seat of the trouble or report of trouble and have it out.

Mr. WILLIAMS.—Theoretically that would be an ideal plan, but practically it would not work, for we have in this State 45,000 establishments to be inspected and I am not inclined to think if we had treble the force and that plan was adopted that we could cover one-third of the factories. Now these gentlemen know, and I am not meeting their criticisms in any resentful spirit, that a much simpler way would be

for them to communicate their ideas in writing and that could be done without involving them in any possible difficulty with their employers and we could get the information that they want to have presented to us. Now I am going to put it to these men as a practical proposition.

Mr. SMITH.—A good idea.

CHAIRMAN.—I was just calling Commissioner Smith's attention to that matter in connection with the General Electric plant. Do not know whether it was from the Labor Department or not, but there were complaint boxes set out that the men could use.

Mr. WILLIAMS.—I am going to put it to these men here to-day that if they or any of their fellow workers were seen discussing certain matters with an inspector in the plant or were known to be discussing plant matters with an inspector outside of the plant, and that subsequent to the inspection an order affecting the particular machine over which that individual had to work, and which the management considered all right, went into effect, how much leniency would be shown him who would be regarded as to blame for it by the management, and how long would he last in his job?

Mr. CAREY.—In answer to that I will say that you make the suggestion that the men write it down. The men have had that fear to write it down. No man wanted to do it. I have written down things to Commissioner Williams that I never got redress for. According to the Labor Law that is printed now at the present time you say we are released from Sunday labor. That is in the Labor Law. There are other things that they have brought to my attention fearing themselves to write a letter for fear they would be discriminated against. The best practice in my opinion would be to have the inspector uniformed, to have it so that both sides could be heard, the employer and the employee could be heard with a protective measure that no man would lose his position for giving information to the inspector. That can be made part of the law and I do not know where that would make the uniformity of it impractical. No fear, it would work out in practice in my opinion.

Mr. LOWE.—We have found in many instances in going through and inspecting factories, sometimes we find when entering a mill we see various protective devices put in operation that were not used, were dispensed with before we came into the building, and were used only when they found we were there. If a man went in

with a uniform on, might it not have the tendency to produce the same condition?

Mr. CAREY.—No, I think not, providing the factory was inspected frequently so the men themselves wouldn't know it. For safeguarding life if they found something that might have been complained of and not overcome when the inspector came around it would have been complained of by the employees; it might have been going on for a number of weeks, or months may be. In all plants it does not really give the protection that it should.

Mr. WILLIAMS.—I do not consider the idea of uniformed inspectors a practical one for the inspectors are practically State detectives and you never heard of a plan to uniform detectives. We frequently have occasion to send our inspectors, to send a strange inspector into a community because the inspector who has been in the habit of going there is known. We send a strange man through there so we can get at the facts without the knowledge of any person that he is on the ground at all. Now I do not want to, and would not have referred to the matter, if Mr. Carey did not refer to it, of Sunday labor. I want to say as to Sunday labor being in the Labor Law. It is not and never has been. It is a part of the Penal Law of the State and the Department of Labor has absolutely nothing to do with the enforcement of the Penal Law. It is in the report of the Commissioner of Labor, but it is stated distinctly that it is part of the Penal Law. It is published in our report for the information of those who get the report, and not as indicating any responsibility on the Department of Labor—we have none. We can not touch that subject. It is a matter for the prosecuting attorneys of the various counties and not for us. I am glad Mr. Carey mentioned it, as I wanted to make that clear.

CHAIRMAN.—You do not need to express your interest in things of your office and your desire to perform the duties that rest upon you to the very best of your ability and the interest of the great army of workers in this State; you do not need to say anything to these men, they have seen enough of your work to know you are most zealous in your work and have always shown the greatest interest in this subject of accidents. You have been of very efficient service to us in making suggestions.

Now, Mr. Litchfield, have you any other parts of machinery that you would like to refer to or can refer to as being dangerous in their operation or frequent cause of accidents where the accident might be prevented?

Mr. WILLIAMS.—I would like to ask a question.

Mr. CAREY.—Before you ask that now, Mr. Commissioner, let me ask Mr. Litchfield—isn't there a way of changing the reels on a power machine that we could eliminate loss of life?

Mr. LITCHFIELD.—That is one of the dangerous points. In regard to that, I think over 50 per cent. were killed—there is a way that wouldn't cost much to the company. You get one reel over another and when you put the paper on the bottom reel the sheets are printed in this way—has to pass between the two reels; in case the reels are full of paper they come closer together and close enough so as to catch his hand if it happens to get on the reel somehow. They do not shut down the machine although this company has a notice.

CHAIRMAN.—Is that operation of the plant again, Mr. Commissioner? How much of this can be handled by conferring additional powers and proper inspection and how much may be or really ought to be regulated by provisions in the Labor Law itself?

Mr. CAREY.—In this one particular instance you are speaking of, a large number of accidents occur through faulty construction of machine. The machine can be arranged so when a reel is full it can be easily moved into another section and there should be a law to compel them to put the reels so one wouldn't run directly over the other when they are full, to move them so there would not be danger of killing a man. There is no way of stopping the machine; while the reels run over each other it will always be so. They must be moved into another pocket as it would be, then you eliminate the danger.

Mr. LITCHFIELD.—I think they do that on some machines, so it is practicable on all.

Mr. SMITH.—What additional expense is involved in rearranging the reels in plants where they do not have that method you speak of? What additional cost would be attached to that; any great amount?

Mr. CAREY.—I should say the additional cost would not enter into it, not very much, perhaps; do not think the cost should be entertained; it would be a small amount compared to the loss of life prevented. One thousand dollars would be a large estimate, would equip any machine. Do not know but would put it at that figure. Perhaps some representative of the company might know more about that and could give a very good estimate of it.

Mr. LOWE.—In your opinion it would be practicable to rearrange the machine under

the present construction of reels running above each other you say.

Mr. CAREY.—It would be possible to rearrange it by getting just one reel frame.

Mr. LITCHFIELD.—In lots of cases the frame is already up.

Mr. A. L. G. WILLSON, superintendent International Paper Co.—I think that the double reel is the best reel, the only reason some of them couldn't be changed is that there is not enough room back of the machines to get them there. That is the only reason we haven't them on every one of our machines, we haven't enough room in back of the machines to get the double reels. We are trying to overcome that by raising the top one away from the bottom and getting more room between them, and by putting up signs any time there is a dangerous condition of the machines. We prefer to break the paper and run it off the reels until it is ready to go ahead. The expense involved in changing the reels outside of enlarging the building would be very small.

Mr. CAREY.—I would like to ask Mr. Willson for the Commissioner's information if that couldn't be arranged by shortening the machine by taking one drive for slowing down the machine and moving the calender stack back.

Mr. WILLSON.—I do not think, Mr. Carey, you would have to do that; take off the bottom and top.

Mr. LOWE.—It is a good deal more likely to make a dangerous condition when getting in a close place in behind the drives and calenders.

Mr. WILLSON.—A man is more likely to get pinched where they have little room in between the machines. That is the condition on our big machines and the condition on our small machines. We have tried to do that when we got those reels and in fact every inspector Mr. Williams has had with us has requested if we could do it, and we would do it, but that is just the simple reason we cannot do it, we haven't room to get them in.

Mr. LOWE.—You have space enough back of the machines to get them in I should think.

Mr. WILLSON.—The conditions in the different mills are different. This is a little mill here and those things at that time were not known of, and when the rooms were built they did not build big enough to take in. It is a matter of the addition of six more feet on the back end of the machine and lots of places you haven't got those six feet.

CHAIRMAN.—A considerable addition to the cost then?

Mr. WILLSON.—If you do not have the room, oh yes.

Mr. LITCHFIELD.—There is one thing I would like to say—if they are short of inspectors I think that one good inspection of a mill is worth a dozen if they just pass through and do not make a proper inspection.

Mr. WILLSON.—I think I can say that I have gone around with Mr. Williams' men for the last seven years and never found a man of his that hasn't been very thorough. If there is anything he overlooked it hasn't been the man's fault. There are lots of things in a paper mill that unless you were close to it for a week you wouldn't find a dangerous condition. You have been in the mill, Charley, more or less and you could get lost inside.

CHAIRMAN.—We were speaking of the subject before you came in—of not having competent inspectors, practical men.

Mr. LITCHFIELD.—That is another thing that I agree with Mr. Carey on.

Mr. WILLSON.—You know with a man not acquainted with machinery there are lots of things, a majority of the dangerous things, he would overlook.

Mr. LITCHFIELD.—I do not know whether it is simply that they do not take the time to do it, but there are certain places where they have killed a good many men.

CHAIRMAN.—Have you anything to say Mr. Lawlor?

Mr. JEREMIAH LAWLOR, delegate from Pulp and Sulphite Workers.—I have nothing more to say any more than has been said; I think they covered the ground pretty well. I can not say anything about pulp mills or injury to men.

Mr. CAREY.—What we have brought out wouldn't apply to the International, and I agree with Brother Litchfield that the International Paper Company is as careful for the men as possible.

Mr. WILLSON.—We are glad to have the inspector come in. I have been over the mill a number of times and yet the inspector would see things that I wouldn't see. And when any of the men want to call our attention to anything we are only too glad to do it. If anything is out of order or things of that sort, you know yourself they are done. We leave it up to the master mechanic or his manchine hand, the man who follows the machine. If during the night the machine-tender forgets to tighten up things so that in the morning it is stuck, it is not any fault of the company. He should report it. Let the man report it to the superintendent and the machine-

tender would come around and tighten them up.

Mr. CAREY.—On the other hand Mr. Willson you will admit this, when the machines have been running two or three days steady and it is a question of losing time—

Mr. WILLSON.—I admit that. We do that at times; it was either a question of shutting down and you fellows going home.

Mr. WILLIAMS.—I would like to ask Mr. Lawlor if in connection with the work of the pulp and sulphite workers he knows of any accident whereby an employee was injured?

Mr. LAWLOR.—No, I have been in that particular work seven or eight years and never heard of anybody getting hurt, what you might say.

Mr. CAREY.—That is the least dangerous part.

Mr. WILLIAMS.—What is the most dangerous part of the work of sulphite and pulp workers.

Mr. CAREY.—Generally in the assembly or woodroom or grinder-room; where the wood is prepared. That has been my experience at least. Mr. Houghtaling might be more conversant with that.

Mr. HOUGHTALING.—I do not know, as I never worked in the pressroom in a sulphite mill, as it is necessary to take up your time. All the ideas I have Mr. Carey has drawn out and probably as well or better than I could. If there are any questions that you would like to ask I am quite willing to answer.

CHAIRMAN.—Are there any machines in your department of the work that would probably cause accidents? A. Why yes.

Q. What are they? A. The press. Now for instance we have had men get an arm broken in clearing the stack. The plug in the press in clearing it out caught his arm in.

Q. How did the accident happen? A. Well in clearing the stock out from the roll his arm got caught in under the—roll and drawn in and broke.

Q. What would you say; do you think that accident could have been prevented by some guard? A. It might have been prevented by slowing down the press or something of that nature. Of course it was pointed out; the company said he had no business to put his arm in there. As a matter of fact he did not, but there was no other way of doing it. That is the way they got out of it; he had no business to do it.

Mr. WILLIAMS.—And the press could not be equipped with a guard that would prevent a man getting in his arm? A. No.

Q. Could anything be constructed on the machine—understand this that I am not a practical paper man and some of my questions may seem somewhat foolish to you—what I want to get at is this, could anything be put upon that machine that would make it impossible for a man to get his arm in? A. No; do not think so.

Mr. CAREY.—Not a safeguard, to prevent the stack roll making it necessary for a man to put his arm in? A. Simply overfeeding. Not lack of a safeguard but overfeeding as I understand it.

THE CHAIRMAN.—Who is responsible for that overfeeding? A. The man who calls for the big production; the foreman.

Mr. CAREY.—That has in this way tried to keep the production up.

CHAIRMAN.—Is there any other machine that you want to call our attention to? A. That is the principal one in the room I am employed; the presses.

THE CHAIRMAN.—Has any question of overcrowding come in as a cause of accidents in this industry? Overcrowding of machinery, covering the floor space with machinery or the working space?

Mr. CAREY.—No I think not; haven't seen anything.

THE CHAIRMAN.—Doesn't involve any question of spacing?

Mr. CAREY.—No, putting too large a stack into the machines.

Mr. LOWE.—Would it be practicable to remove the accumulations by a water hose put in through there; couldn't they be washed out? A. No; do not think so, for it becomes packed in so you see that unless the water had a great force to it it wouldn't have any effect on it.

Mr. WILLIAMS.—When this person who is responsible for keeping up the rate of production, when he does that to the extent of interfering with the work of that machine, doesn't that person retard the work, retard rather than increase production?

Mr. CAREY.—Well it does, but they will take the chance of getting through all right. Our experience regardless of that fact is that they will repeat it just the same.

THE CHAIRMAN.—We would like to hear Mr. Blake. What industry do you represent?

By GEORGE F. BLAKE of the Wall Paper Machine Printers and Color Mixers.

Q. You have been here during the examination of Mr. Carey and these other gentlemen. Have you got anything you would like to add to what they have said? A. No; they covered it very well.

Q. And you coincide with the others?
A. Yes sir.

Q. We would like your opinion in connection with the machinery where accidents frequently occur. A. Well, these accidents occur with pretty nearly every machine. I have met with accidents myself.

Q. On what kind of a machine? A. One that prints wall paper.

Q. Was it an unguarded machine? A. At that time, yes.

Q. Is that machine now guarded? A. Machines of that kind are. The guard doesn't amount to much, practically lifted up at times.

Q. Who lifts up the guards? A. The man who runs the machine.

Q. Why does he lift it up? A. He has to because of attending to the different parts of the machine.

Q. This fellow lifts up the guard because he has got to attend to some parts of his work? A. Yes, sir.

Mr. WILLIAMS.—Whose fault is it if it wasn't replaced? A. The man's himself.

CHAIRMAN.—Why do the men work on a machine without using the guard that is provided? A. The guards in the mill where I work have only been there since last October.

Q. Do the men use them? A. They are used now.

Q. Are they apt to discard them? A. They have got to discard them at times.

Q. Except in cases where it is necessary to do it? A. No, they always have it where it belongs outside of that time.

Mr. WILLIAMS.—You say these guards have been in use since October? A. About that time, yes.

Q. Was that following very closely upon the visit of the inspector to the plant? A. Yes sir, followed closely after the inspector's visit; I believe they got a letter to put it in.

CHAIRMAN.—What kind of a machine are they using them on? A. Wall paper printing machine; prints wall paper.

Q. On wall paper printing machines—in what plant are you employed? A. The Imperial Wall Paper Company.

Q. Are they in Glens Falls? A. Yes, sir.

Q. Are those machines now guarded? A. Yes, sir.

Mr. CAREY.—I am not familiar with this industry very much, but I just want to bring out if I can one point there. You were pointing out the fact that they have to raise those guards to adjust the machines, as I understand it? A. Yes.

Q. Now, do they replace the guards before starting the machine? A. No, they

have got to start the machine with the guards raised at times after the adjustment of the machine.

Q. And after getting the adjustments do they replace the guards? A. They place them back before they begin work, yes.

CHAIRMAN.—Do they prefer to work without them? A. Yes.

Q. Why? A. They are in the way.

Q. Do not they consider that they give them greater safety in their work? A. Well, it would.

Q. Is there any danger to them in putting the guard down? A. No, the speed of the machines remains the same about—simply object to this guard on account of lifting it off and on.

Q. Is there any rule in your shop requiring the guard to be used? A. Yes, you have got to keep it down.

Q. Any penalty if they do not use it? A. No.

Q. Well, why is it if there is no penalty why do the men use them? A. They are made to use them by the foreman. If they put up their guards they cannot leave it up but must put it down.

Q. Then you mean as far as your shop is concerned, the guards are used except when they put them up for the purpose of adjusting the machine or for some such case? A. Yes, sir.

By Mr. CAREY:

Q. Is there any objection made on the pattern of the guards; the form of the guards? A. The guard here was approved by the inspector that came around.

Q. Even after some experience—like everything new—after some experience that you had could you make any suggestions; is there any possibility of anyone making a suggestion of a guard to do the service that at the same time the men would not have an objection to? A. . . Wiring would be better than a guard, I think. It runs the full length of the machine and at best it is very clumsy and hard to get up.

Q. A proper guard, perhaps, might be made how? A. It is very hard to guard the machine anyhow.

By THE CHAIRMAN:

Q. Have you had any accidents on these machines since the guards have been there? A. Not from the place where it is guarded; no accidents that I know of.

Q. And in those particular parts you have seen accidents before the guards were put there? A. No, not at that place where the guards are. I have never known of an accident taking place and I have run a machine for over twenty-five years.

Q. Are there any other parts of the machine which are not now guarded where you have known accidents to occur— A. Oh, yes.

Q. Could those parts be guarded? A. About the same as they are. It might be pretty hard to do so.

Q. Do I understand then that they are putting a guard on a part of the machine from which you in your twenty-five years experience have never known an accident to occur? A. I have never known of an accident.

Q. And yet you can readily see how an accident might occur, might be a serious one? A. Oh, yes; it might take place at any time.

Q. Are there any questions, Commissioner, you want to put to Mr. Blake? A. No.

Q. Any of you gentlemen want to ask any questions?

By Mr. CAREY:

It looks to me as though the company was using every precaution possible by installing guards where there was never an accident?

By THE CHAIRMAN:

Anybody else here to-day connected with the paper trade on the part of the men who would like to say anything to us? If not, Mr. Willson, we would like to ask you a few questions:

Q. What is your name? A. L. G. Willson.

Q. Where do you reside; in Glens Falls? A. Yes.

Q. What is your position in the International? A. Superintendent.

Q. How many plants under your jurisdiction? A. One plant; that is all.

Q. How many men are there employed? A. There are between 300 and 400.

Q. Are there other plants here in Glens Falls; other paper plants, if any? A. The Pruyn Company is located here.

Q. What is the character of the paper manufactured at your plant here? A. Quarter on wrapping; rest on news.

Q. You have been present during most of the testimony we have had? A. All except the first part of it.

Q. What in your judgment, Mr. Willson, are the causes of the accidents to your employees? A. Well, we have had so few accidents over here in the last twelve years that I couldn't really say whether it was negligence on the part of the company or on the part of the employees.

Q. What machines have you in operation which are apt to cause accidents? A.

Well, any of the machines we have in the mill may cause an accident.

Q. Do you pay any particular attention to the question of safety? A. Of course we try to guard everything that is practicable.

Q. Do you, in ordering new machines, specify that they must be guarded where practicable? A. Well, as to that I couldn't say.

Q. You do not know whether there is any policy in your company as to that? A. That is something entirely outside of the scope of my work.

Q. Is there in your organization in the International Paper Company any committee on safety, any inspection of safety, in your own plant? A. We have had several inspections by three or four insurance men about two years ago, and then there is an accident inspector sent up every six months by the insurance company.

Q. Well, do you feel that you have guarded, or attempted to guard the dangerous parts? A. In so far as we know that they are dangerous we have attempted to do so, where they have been called to our attention.

Q. Have you had frequent relations with the Labor Department—the Department inspectors always come to you? A. I have been around with the inspector himself for the last five years.

Q. What is your judgment as to the character of the inspection furnished by the State with regard to safety? A. The character of the inspection is a good deal like the character of different men; one inspector will be more thorough than the other.

Q. What did you find as to the qualifications of the men who made the inspections? A. Well, the men who made the inspections, as far as the dangerous parts of the machine are concerned, I do not see why, as a layman, he could not see just as well as the man thoroughly used to the business. I know they see lots of things that I do not see.

Q. You do not consider that their inspections are perfunctory? A. No, I do not; I think some of them may have been. As I stated before, some of the inspectors are a good deal better than others.

Q. Have you any suggestions to make as to what should be the qualifications of men employed by the State for this work? A. No, I have not.

Q. You think, so far as you can say, that these men have been up to the standard the State should have for this important work? A. Well, from our point of

view, some have been a little more than up to the standard.

Q. How often is your plant inspected?

A. I should judge about once a year by the State.

Q. And other inspections — you are covered by insurance or do you insure yourself? A. By insurance.

Q. How frequently do the insurance inspectors get around? A. Twice a year; every six months.

Q. What do you find as to the character of the inspection; how do you contrast the character of the inspection given you by the State to the insurance company? A. About the same. The inspector that is with the insurance company, as I understand it, is or has been a man that has controlled or had charge of a small plant; not a paper plant, where there has been more or less machinery in operation and, of course, he covers all kinds of plants besides paper plants, but a set screw is a set screw whether it is in a sawmill or a paper-mill, and a gear on machinery is the same thing. Of course it is impossible for the State to have an inspector for each separate industry.

Q. Have you observed a desire on the part of the men not to use guards when they were provided with them? A. Of course in the paper business you hurry up and the men are liable to pull off a guard to fix a belt and neglect to put it back on for awhile. We have had quite a few notices from your Department. As you gentlemen know, they do not remove the guards, and especially Mr. Carey can tell you, because they have no occasion to; it is mostly done by the mechanics and millwrights when it is done.

Q. What generally is the reason for doing it? A. To get at their work easier.

Q. Have you ever had a man ask you to put guards on a machine? A. I had a man about a week and a half ago ask me to put a guard on a set screw.

Q. Did you do it? A. Certainly I did.

Q. Now how did that happen to be unguarded or not countersunk would you say? A. Well, those things will happen. Suppose it is negligence on the part of somebody.

Q. You realized your obligation as soon as it was called to your attention? A. He went first to the master-mechanic. When I heard of it, it was covered less than half a day.

Q. Have you any observations to make as to what the State might do to ensure safety? A. I think you might make more frequent inspections; instead of once a year, make them every three months.

Q. You would recommend that the State put itself in a position to make more frequent inspections? A. It would be better for everybody concerned.

Q. You think the extra expense would be justified? A. I do.

Q. Have you ever given any thought to the State having some deputy of the Department especially charged with the question of safety? A. I have not.

Q. Do you find that there is any disposition on the part of the manufacturers generally to pay more attention to those matters now than formerly? A. I couldn't say outside of our company. I know our company for the last three or four years followed it up closer than ever before.

Q. How did you come to, from any general order from headquarters? A. This State inspection, I say, was made about three years ago. They made a very thorough inspection of the plant three or four years ago, and a man has been there for the past week and made a very thorough inspection. Of course, though, there are some suggestions that we couldn't follow out; we couldn't run our machines and follow them out.

Q. Are there any questions, Commissioner, you would like to put to Mr. Willson? A. I think, Mr. Chairman, that you have covered the ground thoroughly.

Q. Are there any suggestions or observations you would like to make on anything these other witnesses have told us, Mr. Willson? A. I think Mr. Carey's idea of guarding the gears is right. I do not think it practicable to cover them all in, but think they should be guarded. There is no occasion to go on the backside section where the gears are.

Q. You use shafting in your mills? A. Yes.

Q. Have you recently discarded any and put in electric motors or individual motors? A. No, sir.

Q. Have you considered it? A. No.

Q. In the first place, do you consider or find any accidents occurring from the shafting or in the belting? A. Why we have not had any accidents occur recently. There are accidents that occur. I came very near having an accident — might have been a very serious one — about two weeks ago but as it happened it was not serious.

Q. You do not know whether your company has under contemplation the substitution of shafting with motors, electric direct connections. Have you gone into the question of direct connection? A. We have not. Of course we have tried some electrical drives on paper machines, but it hasn't been very satisfactory.

By Mr. WILLIAMS:

Q. Regarding the accident you referred to which happened about two weeks ago and which might have resulted seriously?

A. Our night superintendent went to run a quarter turn of belting on Mr. Litchfield's machine, and passing up through on the platform on the back of the machine, down stairs under the machine floor proper, he slipped and fell. It was not anything but a line of shafting, and on that shafting was a piece of belt which had broken sometime, and so when he went around there I cannot see how the man, if he fell, how he should have come out alive. I wouldn't want to see a man fall in there.

Q. This platform you speak of—how wide a platform is it? A. I should say about two feet from the wall to the outside, and your height from the floor.

Q. So low that you did not feel that there should be a handrail? A. There was a handrail on it.

Q. How did he fall? A. Well, the handrail was loose in one rail. He claims he grabbed it and it gave.

By Mr. CAREY:

Q. He had to get down on the floor from the platform? A. No, he did not have to come within twenty feet of this belt.

CHAIRMAN.—Are there any other classes of mills that we ought to hear; are there different mills than the International Paper Company, or have they been pretty well covered?

By Mr. LITCHFIELD:

Q. There is one question I would like to ask—when an inspector comes does he come to your office and represent himself as an inspector and want to be shown through the mill? A. Oh, yes; he can not get by if he don't.

Q. I understand from the Commissioner that is against the rules. A. He couldn't get into the mill. He doesn't notify us until he walks into our office, and if we hold him up for any length of time, after ten or fifteen minutes he wants to know the reason.

CHAIRMAN.—I think the men have the right—think it an excellent idea—for them to know who the inspector is?

Mr. WILLSON.—If they have any suggestions to make we are only too glad to let them—to receive them. The more suffering it makes for them the more suffering for ourselves.

Mr. CAREY.—I have seen that tendency in some places. Generally speaking, do not think it would be objectionable to the

corporation. It might be to some under-foreman—some fellow who thinks it is overstepping authority.

Mr. WILLSON.—They might get a little sore.

By THE CHAIRMAN:

Q. How near is your mill? A. Just across the river.

Mr. LITCHFIELD.—The International, I think, is well guarded; there are lots of small mills that are not properly guarded—not properly inspected.

By THE CHAIRMAN:

Q. Any near here? A. Up near South Glens Falls there are.

CHAIRMAN.—If you have any mills in mind there is no better opportunity to call them right to the Commissioner's attention than now.

Mr. CAREY.—I would agree with Mr. Willson that the accidents in both of the mills in Glens Falls have been few in comparison to some mills. Down in Ballston, Union Bag Mill. There are some accidents in the Hudson River Mill. Many trap doors and shafts—the same thing. Men get killed going down through a wide shaft, and everything is all arranged possibly before you find him. I personally am not familiar with it; consider it somewhat excessive. I mention the fact of dangerous things in the mills.

Mr. WILLIAMS.—I cannot tell anything about new cases of accidents as the reports are coming in pretty rapid.

By THE CHAIRMAN:

Q. How many a month? A. They come in at the rate of 200 a day.

Mr. WILLIAMS.—I just want to make myself more clear. We are receiving reports of accidents at the rate of 200 a day; that includes every kind of an accident from the apparently insignificant cut of a finger with an edged tool.

By THE CHAIRMAN:

Q. You had 25,000 accidents and 400 deaths last year? A. Last year we had 25,000 accidents and 350 or 360 fatal accidents in the State.

CHAIRMAN.—Is there anything else we ought to hear from the paper industry?

Mr. LITCHFIELD.—Now do not suppose it comes under your head, but what causes lots of accidents is from overwork of the men—excessive hours. A man working thirteen hours in a paper-mill gets so tired he is liable to get hurt, but it is out of reason.

By THE CHAIRMAN:

Q. Well, if hours of labor are a cause of accidents, why naturally that is a question that it is perfectly proper to submit to us?

A. That is a question I always like to hear talked about. I know I wasn't in any kind of shape at times to work around machinery.

Q. Of course that has been brought to our attention that accidents are apt to occur at times when the men are tired; there is just the same opportunity for them to occur where the place has bad ventilation—bad light; the human faculties become dulled?

A. It is something that ought to be taken up, I think.

Mr. SMITH.—I think Mr. Willson started to say something on that subject.

Mr. WILLSON.—I agree with Mr. Litchfield on that; I think thirteen hours too long to work any man. At the same time, there are lots of accidents that are due to the men coming on to their work in a condition that is not proper. Mr. Carey will recognize that as a fact.

Mr. CAREY.—I do.

Mr. WILLSON.—That is something you cannot control.

Mr. BROWN.—By not taking full advantage of their resting time to sleep?

Mr. CAREY.—So far as our organization is concerned we try to co-operate with the employer.

Mr. WILLSON.—We had an accident of that sort about six or eight months ago. The man come on—it was no one man's fault—in fact, he wasn't in a fit condition to do the work. By the time the foreman got around to him the thing was done—before his foreman saw him.

Mr. LITCHFIELD.—There is another thing that is not directly pertaining to this, about not coming on in proper shape to work. I have worked thirteen hours a night and been put on a machine next morning and compelled to stay until the work was caught up at noon. Got home at noon and had not sufficient sleep after doing a hard day's work to start in again. With the business done here in the State, I think that something ought to be done to make it strictly against the laws. If a man hasn't the proper rest and sees thirteen hours ahead of him it makes the fellow tired. That is when a man gets pinched a good many times.

CHAIRMAN.—That is a question whether the State can regulate the hours of labor in private industries. They are matters of contract between men and their employers.

Mr. LITCHFIELD.—I know of an instance not a great while ago of a fellow pretty tired. Long toward morning he was not

clear enough to keep things clean. There was oil on the floor on the end of the stack where the rolls grinding together weigh a good many tons. Anyway he slipped on the oil, shoved his hand in the stack and got three fingers taken off. There was oil on the floor and he hadn't been cleaning up and it kept adding to it. What right had the employer to work that employee long enough to take that hard luck and not get any compensation for it?

CHAIRMAN.—It has been brought to our attention somehow that the law that went on the statute books as a result of our labors last year has made the employers consider questions of safety and guards a great deal more than they did before.

Mr. CAREY.—I believe it is a step in the right direction, working out for the protection of the safety of the people of the State.

CHAIRMAN.—We have three gentlemen here representing the mining industry—now who will speak first?

GEORGE WALDRON, president of the local organization at Mineville.

By THE CHAIRMAN:

Q. How much of a membership has your organization? A. Something like 400 men.

Q. Does that comprise practically all of the mine workers in your vicinity? A. Yes, sir.

Q. What is the character of the mines at Mineville; what mines are there? A. Iron and steel.

Q. Any other mines except those? A. No, just iron and steel; that is all.

Q. How many mines are there? A. What do you mean, the number there?

Q. In operation? A. Eight.

Q. Are those mines under one ownership? A. Two companies.

Q. Give us the two? A. Witherbee-Sherman Company has six mines; the Port Henry Iron Ore Company runs two mines.

Q. Do accidents frequently occur? A. About every day.

Q. Will you give us your idea of the causes of accidents in these mines? A. Of course there is the general manager there, and then there is what we call the middle-man.

Q. Before you get to that tell us how the men are hurt. A. By falling down shafts, by explosions of gunpowder, by breaking of rope and by caving in of material.

Q. Just give us an idea of how the men are hurt by combustibles exploding and the falling of ground, etc. A. We had one case there early last fall where a fellow

got caught under a car in the scrap heap where they dump whatever rubbish there is on the surface. It was a fault of not having the car equipped with a brakeman. The depth was seventy-five feet from the landing to the dump. It was near the third turn of the drum; the drum is twenty-five feet around, winds twenty-five feet every time it turns. He called up and told the man outside to pull him up slow. When the car ran in and he was going to take it out, it happened the throttle was opened wide up. Two weeks after the time he was hurt he died. Case of an incompetent man there.

By Mr. WILLIAMS:

Q. You mean as an engineer? A. Yes.

Q. Whose fault was it? The man who put him there was probably worse than the man that did the work? A. That is what I have been trying to get at—the middleman. Last June or July I couldn't say which, a mine inspector came through there. On August 1 of the same year after his inspection a man was killed by a pillar of something about the height of 200 feet.

Q. Describe it. A. As the ground is mined out every level there is a portion of it left to stick up in the air. A pillar about 200 feet in height, I should say; couldn't get to the top of it anyway after. It was a bad piece of ground. Possibly the fault of the roofman, the man who goes around and trims the scales. They have got what is called a Murphy drill, a small drill an inch and a half in diameter to drill a hole to take dynamite. The blasting weakened the whole thing. When the men went to go in there two of them got in when this crash came down. It fell clear from the top of this pillar and it was estimated that 40,000 tons of ore fell on these two men. That goes to show that there was negligence in the inspection there.

By THE CHAIRMAN:

Q. Negligence of the inspector employed by the State or some inspector of the corporation itself— A. The State inspector.

Q. Well now describe what you mean by that. Do you mean that he should have seen that there was a dangerous condition, made more dangerous by taking out the material at that point at the time he made his inspection? A. It would seem to me, yes, sir, that he should be a qualified man, it stands to reason that possibly the ground was bad, had been bad for a long time. This little piece of a hole, with a little bit of dynamite they put in fixed it so that it came down upon them.

Q. The inspector was there a month or two before? A. Yes, sir; I wouldn't say the time.

Q. Didn't he call that to the attention of the mine superintendent? A. He did not call it to his attention.

Q. I do not see why the men themselves did not see why something of that kind might occur. They are practical men? A. Well that is what I say, this boss roofman he went there and ordered this hole put in. He was supposed to know that this would come down.

By Mr. WILLIAMS:

Q. May I ask, Mr. Waldron, what was the purpose of drilling the hole and inserting the charge and exploding it at that particular point? A. Down below was the place he concluded was bad and he went on top of it to cut off.

Q. And the fall came from above? A. Yes, sir. Must have been to have gotten 40,000 tons.

By Mr. LOWE:

Q. I thought it came from the roof and not from the pillar? A. No, on the side of the pillar.

Q. Well now, you say this happened two months or thereabouts after the inspector's visit? A. The inspector was there in either June or July, and this was in August, 1910.

By THE CHAIRMAN:

Q. What ought he to have seen or have done? A. He ought to have seen, to have inspected it. And they were cutting these pillars right along, gouging it out and making it unsafe. In the opinion of the men running this drill this ground was apt to be loose there.

By Mr. CAREY:

Q. Would that be what you would say, stealing from the pillar? Robbing the pillar to take something off that was easy to get? A. Yes. It was not the right thing to do, but they did not get caught at it until this particular time. I know this same pillar when the mine was young, eight or ten years ago, I ran a drill and took ten or fifteen feet off the top. According to the height of the mine is supposed to be the size of the pillar. The higher the vein the bigger the pillar. The more heavy the ore vein the more heavy the pillar you have to leave.

By THE CHAIRMAN:

Q. Now have you got anything else that involves this question according to your

contention, as to the power of the inspector? Have you any other kind of accidents occurring from other causes that you would like to bring to our attention? A. We have had a number of accidents from falling ground from November 2, 1909, to November 30, 1910, and these I am mentioning only include the fatal ones. We have killed eight men alone in these two mines.

Q. Give us the causes of death. A. In the first one, there was a double track system, four sticks of timber and four rails. Cars go down to the bottom to load. You take the car from the next level above it, stick timber in the wall, set a car on it with a few planks around it, that is about sixty feet above where the natural bottom is, and go dumping in order from the bed above. The car is disabled down here and the other one was hung up on the sticks of timber. The west car became disabled. A man was down there to help put the car on and had to unload it. A fellow was unloading a car on the dump above and a chunk came down and hit him on the head and killed him.

Q. What might have prevented that? A. The rods that hold the sticks of timber should possibly be iron. And it would not seem to me that if an inspector came through there they would be permitted to dump ore in that way.

Q. Do you claim that inspection would have prevented that? A. Certainly, no inspector would allow anything like that that knew his business.

Q. How else do accidents occur in the mines, and what can be done to prevent them? A. A short time ago there were two blasts that hurt one man and killed a man. I went by when they were preparing the blasts. There were big chunks on the platform that runs in, a large chunk on each side. They put dynamite on top on both sides and it was covered up with fine ore and then touched off to break these chunks so they could get them into the car. This fellow took the dynamite down there and threw it there for anyone to use. No man there qualified to use it now. But this man touched off one and when he touched it was ignorant of the other one who came back when the blast went off — just came to corner.

Q. How could that have been prevented? A. Competent man handling the dynamite.

By Mr. WILLIAMS:

Q. Not having a man experienced in the use of dynamite? A. Yes, sir; throwing it about, carelessness in handling, storing and using explosives.

Q. The fault of the mine management, was it not? A. It seems to me it would be. Think it must be against the law that any man should go and take down there over 300 pounds of dynamite.

Q. The law doesn't specify that, nor are there any rules specifying that the explosive must be prepared above ground, but it provides for the proper housing and also provides for the employment of competent blasters. A. They take it down there, from 100 to 300 pounds, man after man.

Q. This is the first time that that subject has been brought to our attention, we have never heard of that sort of thing before in all the years I have been in the department.

THE CHAIRMAN.—Now there should be some law compelling only experienced men to use the explosives.

Mr. WILLIAMS.—We have that now, Senator.

Q. What could be done? A. Enforcement of the rule.

Q. A rule or law? A. It is a rule of the commissioner of labor, as authorized by law to prescribed rules for the safe working of mines and quarries.

Q. What do you do with those rules; are they to be posted in the mines and quarries or is it simply a letter written to the manager? A. At any rate they should be posted. They are rules for the guidance of mine operators, printed on cloth.

Q. Are such rules posted in your mines, Mr. Waldron? A. Not now, although I have seen them up around there some time ago. With this rule there is a chance for the prosecution of this middleman I want to speak about, that is the mine superintendent. Is the rule so you can prosecute the man or simply a rule that he should do this; what if he doesn't?

THE CHAIRMAN.—What is the penalty if the rule isn't observed?

Mr. WILLIAMS.—The law in respect to enforcement of both rules and statute requirements is in a somewhat peculiar condition. I may issue orders and unless the orders are complied with we can go to the Supreme Court and enjoin the operation.

Q. Can you go to the nearest magistrates court and get somebody fined or jailed. A. I do not think so.

Mr. WALDRON.—That is not the kind of a law you want, you do not want any fine, he wants to be jailed.

Mr. WILLIAMS.—I quite agree with you; when human life is at stake a fine doesn't amount to anything — put the man in jail.

THE CHAIRMAN.—It is a question of human life and this question of shutting down, of going to the Supreme Court to get

an injunction, seems foolish; it is a thing that ought to be done at once. The only thing to do is to deprive the man of his liberty.

Mr. LOWE.—Suppose it was obligatory on the employees themselves when working if they notice any of these things that they be required by law to bring the facts as they occur to the attention of the manager.

Mr. WALDRON.—I do not think it would have any effect.

Q. If there was promiscuous use of the dynamite the man having his safety in mind would go to headquarters or to somebody and say such or such is the case here and there must be something done about it or else we are going to quit work. A. In my early days, I have had 20 or 25 years' experience, started in at 17 and am 42 now, in the early days in the mines up there accidents were very rare. There was a good class of miners and hence was one of the best mining camps in the country, but as conditions changed the men left and as they left the accidents began to get more frequent. They got in a different class of miners there and to-day I think there is about 10 or 15 foreigners to one citizen. They don't propose to employ citizens where they can get the others cheaper and hence human life is at stake while you are working among foreigners. And these combustibles—nothing but foreigners were handing them.

By THE CHAIRMAN:

Q. Have you ever brought this particular matter of safety to the attention of the mine superintendent. A. It wouldn't do any good, only a waste of breath.

Q. In other words you feel it might cost you your job. A. I wouldn't care much about my job. It is pretty sure to cost me my life as well as my job if I stay there much longer. They killed eight men in two mines in thirteen months.

By Mr. LOWE:

Q. How many men are employed in the two mines on an average? A. Probably 200, it runs day and night, 100 to 150 on each shift.

By THE CHAIRMAN:

Q. Isn't it a general proposition that in questions of safety you cannot leave it to the men to bring it to the attention of the employers? A. The men want to do it, but are afraid they will be put in bad if they criticise their employer. More often they do not care particularly about it. The men take a chance.

Mr. SMITH.—Wherever they are represented by men like Mr. Carey, Mr. Litch-

field, do you not think that some arrangement might be made whereby the men working around these dangerous places can secretly, if it may be, relate to their representative just what the conditions are—for that representative is supposed not to be in fear of losing his position, perhaps he is not working at all except for the men themselves. Don't you think that would be a good arrangement? With him as spokesman bring the things before the management. In other words not let the bad conditions go on existing there without something being done to obviate the dangerous conditions—not wait for the State inspector as he can not be there all of the time. Perhaps the employers might not know that some of their foremen perhaps are incompetent. There should be some way of getting into communication between the men and the management as to the bad conditions existing which should be remedied without any delay.

Mr. CAREY.—That is just what the men are trying to get at at the present time.

Q. That is just the question pure and simple then? A. These gentlemen, Commissioner Smith, I am speaking now where they have not organized labor and doing business on that basis, still they have some spokesman who can go to the management and lay the case before them.

Mr. LITCHFIELD.—It happened this year right here where they had an independent man for a spokesman and the spokesman was discharged immediately. And there are the same conditions all over the country at the present time. I have nothing against that management to speak of it, they rather done me a favor, but if anyone went to him and told him of a dangerous thing not covered up and he got the idea that they were telling him something about his own business he wouldn't last a year.

Q. If he was a representative employed by the men why he wouldn't of course, care what they thought about him. A. In that particular country they have no representatives.

Mr. CONLEY.—It was practically that question that brought the delegation here to-day. We met a man only a short time ago in Albany who said the mine inspector is not a miner, not a practicable man. I have lived in a state for eleven years where no man could hold such a position, in the State of Montana, unless he was a practicable miner.

By Mr. WILLIAMS:

Q. I understand Mr. Conley to mean that the mine ought to be inspected by a practical miner? A. He told us that, I haven't

divulged the man's name, he said there was, it wasn't a practical man who inspected Mineville.

Q. For the State? A. For the State inspection.

By Mr. LOWE:

Q. The man doing the inspection told him this? A. No, another man.

Mr. WILLIAMS.—We have a mine inspector who himself has worked in mines and who qualified for the position under the civil service examination many years ago.

By THE CHAIRMAN:

Q. How many men have you got? A. Only one, but that man has now reached a stage in which he is physically incapable of performing his duties.

Q. Then you haven't any mining man to-day who is actually inspecting mines?

Mr. WALDRON.—Was he the man who inspected up there last year. I was going to say if he was, he was not a practicable man. I could take him right there and show him things.

Mr. WILLIAMS.—He wasn't the man, he wasn't in physical condition. A civil service examination will be given to-morrow for the position of mine inspector and I sincerely hope that the examination will give us an eligible list of practicable men.

By Mr. CONLEY:

Q. Did you publish a notice? A. It wasn't my business.

THE CHAIRMAN.—I would like Mr. Conley to understand that the Commissioner has got very little to say as the law stands to-day, in regard to the appointment of his own deputy. He doesn't select them. He is given three names on certification and all the qualifications for this position are not prescribed by him, he has to work with tools not of his own selection but are provided for him.

Mr. WALDRON.—I saw something in regard to combustibles and how they are supposed to prepare them, how to dry them out or thaw them.

Mr. WILLIAMS.—Mr. Waldron we prescribe the method of thawing.

Q. How do you thaw it? A. The method is prescribed there, you can select one of two methods. A chamber heated by steam and your dynamite placed on a rack where it is not in danger of coming in contact with direct hot pipe, and then where you do not use large quantities there is the double boiler method where the hot water doesn't come in contact with the dynamite.

Q. If you are down a few hundred feet under ground? A. Or you can heat it with a lamp.

Q. Now let me tell you how they heat it up there. A square boiler say two feet in diameter and holds 100, 105, 108 sticks. A lot of water is placed in it and it is supposed to be heated by water. In order to get a heat great enough a half gallon of kerosene is had and they throw it under there to heat it quick. And they are thawing 300 pounds of dynamite.

By THE CHAIRMAN:

Q. You have given us four deaths out of the eight. A. A short time after the fellow with the combustibles, the next week, was killed when the jar was tremendous a large chunk came down from the roof or timber and killed a man working there and broke another man's arm.

Q. What was the cause of that? A. Loose ground left somewhere, on the roof.

Q. How could that be prevented? A. By inspection.

By Mr. WILLIAMS:

Q. You really don't mean to say that you think the State inspector is responsible for the condition of the roof every day in the year, when the man is only up there one or two days in the year? A. Why can not he make more frequent inspections?

Q. I am considering that subject very seriously. I think perhaps that is what will be done if we get money enough to enable us to employ the help.

THE CHAIRMAN.—As you heard the Commissioner say, there are 45,000 establishments to inspect in this State and fifty men to do it with. It is a question of a bigger force.

Q. Let me add again that I think the mine management is positively at fault if it operates its mine with loose scale on the roof. They could have the roof examined by some competent man in the employ of the company frequently so that they can detect the scales. A. Why wouldn't that be a good idea, Commissioner, the proper way to do it after the inspector has been through there?

Mr. WALDRON.—I remember an inspector who came through there eight years ago about. He had a lantern in his hand. I said to him "Is that lamp any good?" "Yes, it will throw the light 100-150 feet," he said; "when you go down we will see it work." He came down with the mine superintendent and after he looked around for a little while I said to him light the lamp. He said to me, "It is out of order," And that lamp went out of order awful quick.

Mr. WILLIAMS.— I should say so. A. It did not look very favorable for him; he did not light the lamp.

THE CHAIRMAN.— Let's proceed.

A. One of the eight went to get into the skip at the top—I would call it a matter of carelessness on the part of the man. Instead of stepping into the skip he slipped and went down the shaft. And then there was a mine foreman, on the 30th of November.

Q. How did it happen? A. In going through the mine somehow he walked in where the ground was kind of low and was struck by a chunk of rock.

Q. How could you have prevented that? A. It appears to me that there was negligence somewhere.

By THE CHAIRMAN:

Q. Are those cases that you have given us, do you think, a fair example of how accidents occur in mines that you are familiar with. Are there any questions or cases you would like to bring to our attention? A. Now about those combustibles. Some of the men went to start a hole and down here was a little piece of one that had been broken off. They got in there started to clear away when the hole went off. And then there was a hole that laid three or four hours before fired. The dynamite became froze and they run the machine on it and almost killed two men. They didn't have the men to handle the dynamite, they didn't know anything about it. That is just the way the thing is up there to-day, no one man in the whole vicinity who handles the powder knows explosives.

By Mr. WILLIAMS:

Q. I would like to ask Mr. Waldron one or two questions. What is the nationality of the men who are usually hurt or killed?

A. Out of the eight men killed, three were American and five foreigners.

Q. Do you consider that the presence of foreigners in such large numbers is an element of danger in itself by reason of their inability to understand instructions? A. Yes, sir.

Q. By reason of their ignorance of the dangers incident to the handling of explosives? A. Yes, sir.

Q. Are there any notices posted in the mines in languages other than English? A. No, not that I know of.

Q. You have seen notices posted, printed in English? A. Yes I have, some time ago.

Q. These accidents have been mostly in the mines of the Witherbee, Sherman Company? A. Oh they happen to the mines on the other side too.

Q. Do you know anything about the mining properties of the D. & H. Company?

A. No they are up at Chateaugay.

Q. You have no knowledge at all of conditions up there? A. No, I have never been up in there.

By THE CHAIRMAN:

Q. How was it they failed, these mine inspectors when they come in there, that there was such a lot of accidents that happened last summer? A. I am now employed in the timber gang and they are working on the tracks and ladderways and to show you that they haven't done their work, these mine inspectors came through there. There was a shaft there, one of those shafts sunk something like twenty-five or thirty feet and adjoining another. The diameter was 190 feet and it was eighty-one feet before you came to the rock. Timber on top and work down in the shaft and could feel the stuff filtering in all of the time. We came up and in the morning when we come to work we found fifteen feet of the shaft had caved in. In the other shaft they put a track in three years ago this time and they finished it up but did not put in a portion of the timber. We sartered to knock out the old track and we saw the rocks through the timbers working right in. We had to go to work timbering the shaft before putting in a track. In putting in the track we had but little success and had to tear two tracks out. We tore this one out that was first finished about three years ago this time and went down the next shaft and tore the other one in the south mine I was telling you about. Some ladders hung on old blocks and some were pitched down the shaft, everything was disposed of to get it out of the way. We were supposed to have a new ladderway from top to bottom. We finished the track and we finished the ladder and if there is a man in the State of New York to-day that can go to either one of those mines and come up the ladderway I will buy a supper.

Q. Is there any kind of a ladder? A. I am going to show you how they fooled the inspector, and if he was a mining man, a practical man and understood his business they couldn't do so. He came last summer and raised up the cubby hole and looked down and didn't see any ladder. "What is the matter, superintendent?" "We have got the ladders in here but we had to timber this shaft and we had to put 10 by 10 timbers on the inside and it narrowed the shaft so we have got to get a narrow ladder and put it up through there." The inspector said, "All right, see that it is at-

tended to, I will be back again sometime." He went down to the other mine and it was the same thing. Said they put a track in there and didn't get the ladder in all the way to the top owing to the length of this short timber and had to use a narrow ladder. I got orders to stick a ladder in the hole of each one that went down 15 or 20 feet from the top.

Mr. WILLIAMS.—I am going to put it up to you. You have known these facts for all these months, and knew there was a department of labor in the State and have never sent a word, a solitary word to us about it until this morning.

By THE CHAIRMAN:

Q. Why haven't you done it? A. I never got on the right road until lately.

Q. Isn't it up to you? A. I understand about it.

Mr. WILLIAMS.—If you fellows will give us a lift, we have got to get the men to do it with; one or two will help.

By Mr. SMITH:

Q. How are the real heads or owners of those mines to know of the accidents, of those bad conditions, if their subordinates do not tell them? A. I said that some provision should be put in this law here to compel this middleman to notify. That is the idea. Jail the middleman, he is the man to get. And the men of the Company I would say to-day, that the gentlemen we are working for have one of the best firms in the State of New York to-day. If they knew the conditions were existing they wouldn't allow it. But they will listen to them before they will to us. You have got to get it into the bill, legislate laws and enforce these laws.

By THE CHAIRMAN:

Q. Is there anything else? A. I have been going pretty fast and might have skipped. Now, gentlemen, I am president of the Union there; we pay a benefit of \$5 a week for eleven weeks. We are paying right along there every week for men injured, legs off, arms off, legs broken, arms broken, that \$5 a week. We had \$45 on our hands in one week. There is always someone in the hospital there of their own, with room for three patients. It is constantly full. They are going to build a bigger one.

By THE CHAIRMAN:

Q. Generally speaking, to sum up everything you have told us, what do you think we can do? What can the State of New York do either by adopting laws or

by giving somebody power to make the men safer in their work? A. Give us a practical man and I think there is plenty of work in the State of New York for a practical man to go from one mining camp to another. That will correct these conditions that are going on.

Mr. WILLIAMS.—This can be done. Wherever there is a mining camp, say have a man go there, get a man for the men and a man for the company, and it will take at least ten days to inspect it. I will make a statement now that the next inspector to be appointed will have to be a man who knows his job.

GEORGE DELONG.

By THE CHAIRMAN:

Q. Where do you reside? A. Mineville, Essex Co.

Q. What kind of work are you in? A. Work in the mill, iron ore separator, separating the rock from the ore, and the ore from the rock.

Q. What mills are those? A. The Witherbee-Sherman Company's property.

Q. Are you an officer in any mining organization? A. Yes, sir; I am an officer in the local union.

Q. What position? A. A guide in the union.

Q. In the same one as Mr. Waldron? A. Mr. Waldron is the president.

Q. Now will you describe the operations that cause the accidents? A. I would like to explain the necessity of guarding or protecting the dangerous work that is going on in the mill that I believe can be very easily protected.

Q. What kind of machines? A. Iron ore separator. There are large belts, rubber belts, conveyor belts, that carry the ore from the crusher up like this to an incline and these belts are carried on three little pulleys. Ore gets on these pulleys. Saw lumps there as big as my fist. With the trembling of the belt the ore seems to shake off. And they have to lift up those belts to clean up the pieces that fall off and some of the finer stuff also and there should be protection, something on the under side of these belts to prevent these chunks from coming down. I have known those chunks in places where the conveyors run up twenty and thirty feet to fall and when they come down I have seen men working and get gashes cut in their heads through a cap or hat. With a lump large enough and if it falls far enough they are apt to get their head cut and draw a lot of blood. I have never known of any man to be killed by a chunk falling on him, but there have been

some who were badly injured. I believe it is a thing that could be protected with very little expense.

Q. What other parts of the machinery do you think should be protected? A. There is lower gears that should be covered. It is in the grinding machinery. There are gears there, the gearing where the conveyor carries rock away from the mills and dumps it. And these oil cups there, there is a screw fastened under the oil cup and grease pours down and a man has to walk up to turn down the cover, and unless he is very careful, there is very much danger of getting his clothes caught in one of these gears.

Q. These gears could be covered without interfering with the operation of the machine? A. Certainly, they should be. And also I know of places where a set screw is not countersunk, stands up one and a half to two inches, up there right near where the grease cups are. The other night I caught the sleeve of my jacket but I was strong enough to hold myself back until it tore.

By Mr. WILLIAMS:

Q. Was it a slow moving one? A. Yes, sir, did not move fast. The mill doesn't operate very fast.

By THE CHAIRMAN:

Q. That is a case where the set screw ought to be countersunk or covered? A. Yes, sir.

Mr. WALDRON.—Another case up to the factory inspector.

Mr. DELONG.—I also know we had in the mill a room that is used as a sort of storeroom where we leave belts and people have to go there in case that the belt breaks to splice it up, and if you had to get a new belt and put it on, and there was a hole in the floor, that is very dangerous. Probably been there two or three years. A man was apt to step down in there and injure his limbs.

By THE CHAIRMAN:

Q. You think it a question for the inspector? A. I certainly do think so.

By Mr. WILLIAMS:

Q. What was the hole there for? A. Nothing, nothing in particular, it was only broken through there sometime and hadn't been mended.

Q. It was a sort of storage room? A. Yes, sir.

By THE CHAIRMAN:

Q. Anything else? A. No, sir, nothing particular as I know of.

By Mr. WILLIAMS:

Q. How are the stairways? A. Very much in need of rails on the stairways and also on what we call "walks," perhaps two feet and a half wide, runways, on which a man has to get to his oil cups. There is no railing there at all. There has been rails there and perhaps they have been broken down and not replaced. If a man happened to make a misstep he would simply pitch off down fifteen or twenty feet, and it is hard to tell what he might strike down below. He would be sure to strike a solid concrete finished floor.

Q. How about the lighting, any trouble about that? A. The mills are not properly lighted. In this way, if they were properly lighted through neglect, there is always wear and tear in such places, it seems there is neglect to replace them. Where electric wires are tore out they are not replaced.

Mr. LITCHFIELD.—That question seems to come up in every mill. We have had it come up and had it discussed here in this mill. There comes a time when the machinery on the back side of the machine, the gears get out of order, the machine is not properly lighted, they neglect to put them in. The man could not see to do his work because there were no lights, and the union had to take it up because the man got fired and they made them take him back and pay him his wages. It just goes to show how they will put it onto the man. Since then they have been rather more careful in the matter of proper lights now.

By THE CHAIRMAN:

Q. Now, Mr. DeLong, you have covered all the machinery? A. Yes, I believe so, except elevators and cars on the elevators where the ore is lifted up and dumped into the driveway. When they use the elevator a great deal in time the belt stretches and clamps are put on to hook up any of the loose belt. These hooks come loose, or undone.

Q. Ever know of anybody being hurt by these hooks? A. I have known times when those hooks broke or at least the belts tore out. Some take 2, 4, 6, 8, 12 hooks, according to the width of the pulley. One broke out in the center and began to splash. Of course in revolving around it tore the belt quite a bit. To put anything under that piece we would have to close the mill down and preferred the splashing to shutting down. It runs by electric power. Of course a man might possibly have been hurt and might not.

Q. You do not know of a case where a man has been hurt by the use of the belt? A. Never knew of any man being killed by

belt or anything like that, but knew of a man being killed nine years ago; he was caught in between the belt and timber and there is nobody that knows whether that man took a chance on his own account and got caught in there. One of the men went up there and found him and the belt was grinding right through his leg and cut it so it was nearly off. He died a little while after.

By THE CHAIRMAN:

Q. Your recommendation then is for more frequent inspection, and a different kind of inspection? A. Yes, I do believe that that is really the fault. I believe as a rule, as Mr. Waldron said here, that it is a good company and I do not think they would care to have the work go undone through the fault of the inspector or something of that sort. I think somebody ought to be made pay.

Mr. WALDRON.—The middleman.

T. C. CONDON.

By THE CHAIRMAN:

Q. Your residence, you reside where? A. At Mineville.

Q. What is your work, mine or mill? A. Well, I follow that kind of work up at leisure times.

Q. You are a member of any organization there? A. Yes, sir, president of the local board.

Q. Is there anything you would like to say to us? A. No.

Q. How many years experience have you had? A. Between the West and Mineville since I was seventeen years old.

Q. And that experience has been in the West as well as here? A. And that is the reason I spoke to our Commissioner here. We pride ourselves in the West that it is only a practical man working on inspections.

Q. What State do you refer to? A. Montana.

Q. The copper mines? A. The copper mines of Montana.

Q. Have you anything to add to what Mr. Waldron and Mr. DeLong have said? A. They have covered the ground.

Mr. WALDRON.—Can I say a few words? It is in regard to one man having two skip loads of men under his control in running the windlass there. And in many cases there are four skip loads under the control of one man. I would cite an instance there on October 5 where one man had control of four skip loads of men. He is up in the stand here, and there are two skips, two cars this way and two more here, handled by four wheels. They go down the shaft in one mine 250 feet and then off to the left. In the other 100 feet further down and then off to the left. On number 1 these fellows had went through this circle, as we call it, and there stopped it and put up his brakes and let this other car go on wiping out one life. That was because of one man handling four skip loads of men, and isn't there anything in the statutes of the State of New York to-day that would cover that?

Mr. WILLIAMS.—Do not think there is. Isn't the inspector supposed to have anything to do with that? You ought to have regulations to prohibit it. Think of a man handling four skip cars of men, it ought to be attended to. He must have confidence in himself to take four loads of men and attempt to lower them into the mine.

By THE CHAIRMAN:

Q. What about Mr. Waldron's question, in what way can that be covered? A. We can make a rule on that, that matter can be covered, I think.

Mr. SMITH.—Who is to be punished, Mr. Waldron, for having worked around so long as that without having brought to the attention of the Commissioner all these conditions?

Mr. WILLIAMS.—My idea, Mr. Smith, regarding that particular subject would be to make the rule against the employer. If they want to run four skips of men down simultaneously let them put two men in there.

Mr. WALDRON.—There is supposed to be two men there. One man will have to let the other one go to dinner.

Mr. WILLIAMS.—In that case I think you should fine the man who does that work.

HEARING OF THE COMMISSION ON EMPLOYERS' LIABILITY ON EMPLOYMENT AND THE PREVENTION OF INDUSTRIAL ACCIDENTS HELD AT THE METROPOLITAN LIFE INSURANCE BUILDING, MADISON AVENUE AND 23D STREET, NEW YORK CITY.

February 20, 1911.

Met pursuant to notice at 10:30 A. M.
Before the Commission, consisting of:
Senator J. MAYEW WAINWRIGHT, *Chairman*.
Prof. HENRY R. SEAGER, *Vice-Chairman*.
Senator FRANK C. PLATT.
Assemblyman GEORGE A. VOSS.
GEORGE W. SMITH, ESQ.

There were also present:

JOHN WILLIAMS, ESQ., *Commissioner of Labor, State of New York*.
JOSEPH P. COTTON, ESQ., *Counsel to the Commission*.

Chairman WAINWRIGHT.—This meeting of the Commission will come to order. This is a hearing appointed for to-day by the State Commission on Employers' Liability for the causes and prevention of industrial accidents, unemployment, lack of farm labor, and the special subject of the causes and prevention of industrial accidents. We have invited representatives of most, if not all, of the casualty companies to come before us to-day and see whether they can offer any suggestions as to what this Commission should reasonably report to the Legislature, or what the State might do to secure a diminution of injuries to life and limb among the workers in this State. We have also invited various manufacturers' associations, through the heads of their organizations, to be here, asking them to co-operate with us and supply us with representatives of their trades, who could speak technically on this subject. I don't know whether they are here or not. We will first take up the part of our programme to be furnished by the representatives of the casualty companies.

Mr. SNYDER.—I want to say this, Mr. Chairman and gentlemen, since the creation of this Commission, that the situation in the line that I represent has not changed one bit materially, relative to accidents. I want to say within the last year that the local that I represent; its members are at least twenty-five, have met with death, and at least in the local that I represent; that is, there are six different locals in the city here; we have 215 accidents to members to the extent of broken limbs, broken arms, fractured skulls, broken ribs and broken backs. This here new act that went into effect hasn't helped us one iota materially as to avoiding and the prevention of accidents; it has helped us to this extent, it

has a tendency to make some of the insurance companies offer up better settlements; it has a tendency to do that; that I must admit, but relative to preventing accidents, it has not changed one bit; they get along under the same routine, putting up structures in the city, irrespective of the law as it is on the statute books; they erect these structures that are going up with a violation on every job, every building in New York city. Relative to planking, planking different jobs; there isn't a job in New York city to-day, with the exception of a few, that the law is not violated relative to planking and scaffolding, and the use of the different tools on the different buildings. Now, it is only here recently where a fellow on a job in Morton and Hudson streets, lack of planking on a job, went four stories, and is in the hospital here with a broken limb and broken arm and contusions of the back. This particular job that I have referred to, the contractor on the premises named Kerner in that particular job, the contractor was shy at least 200 planks on the premises, and nine out of every ten in New York city, I am safe to say, are working under the same conditions. Now, a job that I was at Saturday, the contractor, by the name of William Morris, doing the job, the job is 40 feet by 100 deep; imagine the contractor being allowed to go on with the job and having only twelve planks on the job; six of them were used directly under his derrick, and those he had scattered here and there. The men that are working on the premises are next door to an airship; they have got to be in the air all the time. One little slip and they go through the building, and it is death for them. We have made quite a study of this, pretty closely, and as I suggested pretty near a year ago, the only

salvation for the steel and iron worker, the bridge structural iron worker, would be a sort of establishment of inspectors.

Chairman WAINWRIGHT.—Will you permit me to ask a question? Have you made any complaint to the Commissioner of Labor in regard to that building over there?

Mr. SNYDER.—No, sir; I have not. If I did, I would have to take every building in New York city.

Chairman WAINWRIGHT.—Well, have you made any complaint to the city inspectors?

Mr. SNYDER.—I did on one occasion some time ago; I went to a man at the Aldermanic Chamber at the city of New York; I believe that was the first time, and as I said before, the secretary there informed me that they were utterly powerless, that irrespective of the violations they put on the jobs, the jobs went ahead just the same; occasionally the job is stopped, but we believe if there was a department of inspectors established, putting a man in on the premises that understood his business, that had a practical knowledge of the craft, to go around the buildings and see that the law would be enforced, we would get some satisfaction; it would prevent a good many accidents.

Chairman WAINWRIGHT.—You say you went to the secretary of the department of the city charged with the inspection and he told you that he was powerless?

Mr. SNYDER.—Those are the words he said to me. I complained about this particular job, the Gimbel job, at the time, the erection of the Gimbel building. The job was allowed to proceed in the course of construction, eight or nine stories, which means they went over five stories, according to the law. There was, I believe, at the time a little labor trouble on with the bricklayers, and that followed from the violation and the construction end of it, and two of our members met with death on the premises. After I had complained that some of our men met with accidents and some with death, I tried to see the Commissioner of Labor and I was unable to see him; I tried to see his superintendent, and I was unable to see him, and was referred to the secretary and explained the conditions of the job at the time to him, and told him there was a violation according to law; the job was up eight stories and there wasn't an arch in; I had asked this same gentleman when the violation was put on the job, and he said he didn't know; I then went on the premises and asked the inspector, and the inspector told me in a gentle manner, "If you want that information particularly, you will have to get it

from headquarters; I ain't here to give you any information; you go to headquarters." Since then I have investigated, or immediately after, I investigated it, and found that there had been a violation put on the job by the inspector.

Chairman WAINWRIGHT.—You don't know whether that notice or violation was followed up by any prosecution?

Mr. SNYDER.—No, I don't, but I don't believe it was; but in our line, I don't think there is a craft in the building industry where they meet with more accidents, than in our craft.

Chairman WAINWRIGHT.—Where is the difficulty; is it in the law passed, or the enforcement of the law?

Mr. SNYDER.—It is in the enforcement, the law is not enforced. I couldn't say exactly whose fault that is. You understand the way these different departments are running, better than I do. We have complained time and again. Years ago I believe some of our representatives had written time and again to Albany, and they haven't had much satisfaction, and the only solution for the iron workers is to have an establishment of a department of inspectors, putting practical, competent men in, men who worked at that business a certain length of time, and understand their business.

Chairman WAINWRIGHT.—You are aware, of course, that that is entirely under the jurisdiction of the city inspectors of the State Department, as I understand it, and has nothing to do with that unless it is upon a specific complaint made to the department, and we have been informed by the Commissioner that no complaint of that kind was ever made to his department.

Mr. SNYDER.—Well, since I am representing the organization I haven't filed any complaint at Albany as yet, but I understand that representatives previous to me have. I heard that representatives previous to me have filed complaints time and again at 18th street and Fourth avenue.

Chairman WAINWRIGHT.—You say this thing is going on all over the city to-day; that a building is not up on which there is not a violation? Why don't you start in and begin, if you cannot get satisfaction from the city inspectors, why don't you begin to file a few specific complaints with regard to the particular buildings and contractors, with Commissioner Williams, and see what results you get?

Mr. SNYDER.—Well, I don't have to go further than the premises to convince Commissioner Williams that there is a violation. If he at any time walks along and sees a building, the construction, he can see that there is a violation on the premises.

Chairman WAINWRIGHT.— You see, Commissioner Williams has only a limited force of deputies, as we understand it, this supervision of buildings, which possibly ought to be put under his department, is not put under his department except indirectly. Now, most of his force of inspectors is used directly with reference to industries of which he is directly concerned, the 45,000 factories in this State. I don't know that he has any inspectors; probably he can tell us whether he has any inspectors on that work or whether he could spare any inspectors on that work of which they are directly in charge.

Mr. SNYDER.— I don't believe he has, Mr. Commissioner, the men directly under his charge inspect buildings as to the sanitary conditions, but as to an inspector going on the premises and walking to the top of the job to see that the building is thoroughly planked, they don't do it; that is, for a man to go up and see and examine the rigging tools and the like, they don't do it. We ought to have men to go out and enforce the law.

Chairman WAINWRIGHT.— Now, let me ask you this, this matter is entirely within the jurisdiction of the city department today. Now, is your recommendation that that should be taken away from the city department and placed on the State department, or in addition to the responsibility already on the city department, that we should also put it on the State department?

Mr. SNYDER.— I believe that the State department is strong enough and efficient enough to handle the situation. The question is simply this, if a department of inspectors could be created, it could make no difference to us as to what department it went into, it would be immaterial, or if there was a separate department; it is immaterial what department adopts the plan of construction, as long as we have some protection, as long as there are men appointed to inspect and to do a certain classified piece of work, namely, inspecting the building and go on the job.

Chairman WAINWRIGHT.— You don't care who enforces the law, as long as it is enforced?

Mr. SNYDER.— No, we don't care who enforces the law, as long as it is enforced.

Mr. COTTON.— Mr. Snyder, is there any way of remedying this thing, except by daily inspection; that is practically the only way, the only way to cure the condition?

Mr. SNYDER.— Yes, to make frequent inspections.

Mr. COTTON.— What has been your experience with the insurance inspection? Have you seen inspectors of the insurance companies?

Mr. SNYDER.— No, I haven't run across any, but from what I understand, I don't know as I ought to say it, but I will, I believe the insurance companies themselves have taken up the question of sending out inspectors on their own responsibility in order to enforce their own law, or contract, whatever it may be; I understand that they were thinking of putting out inspectors to make the different contractors who were insured with their company to comply with the law or otherwise increase the insurance; I believe that that job has been held out to some of our members, and just now it was dropped and nothing said about it. I suppose it is pending action of these meetings. If the insurance companies have any inspectors it is news to me, but we feel that if we had inspectors that came under the State department, or irrespective of what department they come under, inspectors to go on a building and compel a man to comply with the law, thoroughly planking the flooring, that a good many accidents would be avoided, and to inspect tools. There are oftentimes tools that are used on a job that are no good, too old, the life has been run out of them, namely lines, different sized lines; they are used till they are almost threadbare, no life at all, and occasionally a line parts, and a man meets with an accident; sometimes they fall through a building, occasionally a wire guy parts. I might say something in regard to scaffolding—now there isn't a building in New York city, a building where a scaffolding is constructed, a scaffold must be built, it is what they call a safeguard; there isn't a scaffold erected in New York city with a safeguard on it. Now, there is one case where we had, where there was a scaffolding and four men were supposed to work on that scaffolding; the most they got was five or six planks on that scaffolding—only here two weeks ago, over in the New York Central, there were three men on the scaffolding, the beam of the scaffold broke and the three men went into the hole. The whole side of one of the men is crushed in, he had a slight puncture of the lungs and he is in Flower Hospital now. One of the men had both of his ankles broke. That means practically a year that man can't do a thing; the other man has got on the left side, his hip is almost driven up through the sockets, that will leave him permanently injured. Now, there ought to be specified laws requiring and compelling a contractor to use a needle beam or scaffold. Last year one of our members; they had stopped working because it was cold, and the following day it was colder and he went on the premises to go to work and the water that got on the planks had

frozen; they turned the planks over to get the under part of the planks that was dry to work on; he picked up a pneumatic tool, a riveting hammer, and he proceeded to drive that rivet; the plank slipped from under him and let him go the whole four stories, and killed him instantly. Now, we believe that there ought to be a law created compelling the contractors to carry a net directly under the scaffold. Take, for instance, the work of Terry & Trench in New York city, on the premises there they were compelled to put a net under every scaffold.

Chairman WAINWRIGHT.—Who compelled them?

Mr. SNYDER.—The New York Central people, and it had the tendency of saving a good many people. On one occasion a man slipped and went into the net, and his life was saved. On several other occasions there had been tools dropped from the work up above, whether it was intentional or unavoidable we can't say; it occurs every day; there was a net there to catch these tools; if there wasn't somebody undoubtedly would have been killed or maimed.

Chairman WAINWRIGHT.—Is your suggestion that we have a law compelling that any scaffolding used above a certain height there should be a net? Is that possible?

Mr. SNYDER.—Why certainly it is possible. Terry & Trench put this network up in five minutes. Now, the only thing that would help us to any extent, Mr. Commissioner, is simply this, a department of inspectors, irrespective of whether the State department had control of it or the city department, it would prevent a good many accidents. Now, there is not a building, I go on and off every day; I am not like a man that will go on the street and look up, but I go on top. Since this Commission has been in existence I have called attention to the proposition a good many times, and contractors, I suppose it is due to circumstances, the little fellow can't afford planks and sometimes it is cheaper to insure than to buy planks; he takes that chance. Now, there are a dozen jobs in New York city in the course of erection now where there is a plank here and there; they are scattered, and they are shy hundreds of planks on the premises, and if this body could see fit, in its wisdom, to recommend a department of inspectors, it would be doing something that would be very good for our own organization.

Chairman WAINWRIGHT.—Now, isn't there a department of inspectors here in the city to-day? What is the reason for not bringing the violations of the law to the attention of the proper authorities?

Mr. SNYDER.—They don't understand their business, Mr. Commissioner. The question is this; they are not practical men.

Chairman WAINWRIGHT.—Are there enough of them?

Mr. SNYDER.—I don't believe there is; no, there isn't enough of them.

Chairman WAINWRIGHT.—Everybody tells us that it is a matter of inspection; there is plenty of law, but it is not enforced.

Mr. SNYDER.—There is plenty of law, but the law is not enforced; there isn't a job, and I guess a good many of the labor representatives here will bear me out, that there isn't a violation; the question is in enforcing the law; these inspectors don't do it. It is all right; they go in and inspect a building as to its sanitary conditions; they go in and inspect the conditions of the job; they go in where a law requires certain safeguards; they will inspect that proposition, but as to inspecting the conditions of a building, they don't know anything about it.

Mr. SMITH.—As representing your organization, have you ever filed any formal written complaint with the Commissioner or any other recognized head of the building department?

Mr. SNYDER.—No; I intended to go down and ask the mayor.

Mr. COTTON.—We would like to hear from Mr. Law, of the Fidelity and Casualty Company.

Chairman WAINWRIGHT.—We are here principally on the question of safety. We want to know, Mr. Law, what the insurance laws are doing, what can be done, and what you feel we should put into law, if anything, to help the situation.

Mr. LAW.—It may be useful at the outset, Mr. Chairman, to know first of all what the liability insurance companies have been doing since they started this business. The first liability insurance in this country in the year 1886, or it wasn't until about 1890, that there were many companies transacting business. We recognized at the outset that all losses would be very considerably diminished if we could prevent accidents, and set out then to do what we could to prevent them. We made inspections, and we made recommendations to the insured, but the difficulty was that we had no means of enforcing our recommendations. We could only persuade and suggest, and if the insured did not see fit to carry out our recommendations it then became a question of take it or leave it. Well, we did accomplish a good deal by persuasion, but in many instances it was necessary for us to cancel our insurance because the recommendations would not be

carried out. Of course those people who did carry out our recommendations and who did effect an improvement in their plants, did get good out of it immediately, because the rates, then, for the insurance would be cut down.

Senator PLATT.—Is that your practice still; you do differentiate your rates?

Mr. LAW.—We do differentiate in our rates; we regulate them — if a concern has a very good plant, well equipped, takes precautions as to good managers, secures co-operation of its employees and cuts down the number of accidents and losses, we rate that risk down and give them the benefit of our saving. On the other hand, we rate the risks up, if a plant is not fully equipped, if they do not prevent accidents, if they have a great many losses, we charge them about cost, so there is a provision to-day up, and the man who prevents accidents and saves injuries to his men gets the benefit of it.

Senator PLATT.—Is that the usual practice in insurance companies?

Mr. LAW.—I think that is the usual practice; it is the practice with our company and I am pretty sure it is the practice of other companies doing business. What we do first is to take our past experience, and from that past experience determine the average rate; if a man comes to us and wants insurance, we have an inspection of his plant to see whether or not it is well equipped, and after a certain time we note the accidents that are reported to us, and the conditions of the plant, as reported by our inspectors. In that way we know whether or not it is going to prove a good risk, and then we rate a risk up or down. The experience on the risk is put before the underwriter, and the underwriter makes an examination of your risk before naming the rate for the ensuing year. Now, as respects the character of the inspections, they vary in quality.

Professor SEAGER.—Will you tell us exactly the way you do it for the different companies, what kind of men you have to do it, and how frequently you make these inspections? Tell us about that.

Mr. LAW.—So far as the quality of inspectors are concerned, with boiler line, we secure stationary engineers wherever possible, being familiar with the operation of boilers, and know more about the work than men who have not been brought up in boiler shops; in case of elevator inspections, we get men who have had experience first of all in the elevator construction shops and then have had experience in the erection of elevators in buildings; many of our men have been from fifteen to twenty years in the business, and know their work

thoroughly. In regard to a fly wheel inspection, we get stationary engineers also; we find they are the best equipped for that work. When we come to the employers' liability inspections, we find that so far as possible it is best to take young men recently graduated from a technical school and utilize them simply because the field is so much broader that the ordinary mechanic is not able to adapt himself to all the varying problems that arise, whereas the technical graduate, having had training, and being given — having been adapted to the study of new problems — does better work for us. Now, in addition to making these inspections, I might also say that we cannot make them anything like —

Chairman WAINWRIGHT.—Right here I would like you to bring out, if you will, how large a force and how much the force have to do, so as to see what your force is, compared with what the State has, to perform similar work.

Mr. LAW.—Well, we have at the present time, I couldn't say, I haven't the exact figures in my mind, about 120 men engaged in this work. I should think that there were probably 50 to 60 of them in the State of New York. I was going to speak of the quality of the inspection and the extent to which you can carry the inspections. When you examine a boiler you have got a relatively small piece of apparatus, the size of the premium you receive and the consequence is, the time that it takes to make a careful inspection of that vessel is not so very great, you can make a very careful inspection of it. The same with an elevator. If you are going to make an inspection of the same character of that that you make of boilers and elevators, it would take a man a week or more to do it. I might illustrate it in this way: I remember some few years ago we were insuring a linoleum plant. Now, there is a small pulley on that plant that burst and killed a man. When we examined it we found several spokes in that pulley, and it was cracked. The claim department asked us if we couldn't have prevented it by inspection. We could have, provided we could have spent the necessary time and money on that risk, but it is not feasible to do that. We would have to have an enormous force of men and the cost would be prohibitive to make that one inspection. The best that we can do is to go in and go over the plant and pick out such things as we see ought to be done, and make recommendations to the assured. It really is part of the assured's business to make that very careful detailed inspection; it is not possible, I don't think, for a State inspector and it is not

possible for an insurance company to make that kind of an inspection. Now, the next thing we do, we get our assured to take the precautions. We have a pamphlet on the prevention of accidents, and I have a pamphlet here which I have prepared and we distributed 50,000 of them; we send one of these to every one of our policyholders, industrial policyholders, and whenever we get a new risk we send one to them at once. Now, of course, the mere provision of guards is not going to prevent accidents. We may put in all the guards that you can devise, but there is a very large group of accidents, the larger group of accidents, outside of the conditions, in which guards could have prevented them. It is a matter of care on the part of employers; a matter of care on the part of the employees, and sometimes when you put your guards in, you can't always get the employees to use them, because whenever employees are compensated by piecework, there is a natural tendency on their part to throw aside the guard because it interferes with their earnings. You have that difficulty, so that to some extent it seems to me you have got to change human nature before you can absolutely prevent accidents. I think one of the best ways is the way that the United States Steel Corporation is setting at it. Now, they are not only providing all of the guards, but they are enlisting the co-operation of the men, and in enlisting the co-operation of the men they have the working men in the different plants study the question themselves. Now, they also hold meetings of the workmen from time to time and point out the ways in which they can make things more safe for themselves. The main thing, it seems to me, in all these plants is first of all to get the men to take a personal interest in preventing accidents. The United States Steel Corporation also does this, they have in mind that old saying of line upon line, precept upon precept, and they put signs all through the plants referring to the necessity of being careful; they put up before switchboards signs pointing out the danger of electric contact, and so forth, so that they are doing a great deal in that work.

Chairman WAINWRIGHT.—Are you familiar at all with what the General Electric is doing?

Mr. LAW.—Not to the same extent; I think the General Electric are not nearly as far along, from what I heard from Mr. Gilmour, as the United States Steel Corporation is. The United States Steel Corporation has also a safety committee and a safety inspector in charge of each of their various plants, so it seems to me they are

doing all that can possibly be done to prevent accidents in the works. Now, there is one thing that occurs to me, I think a good many men, when they are befuddled with liquor, are more liable to accidents, and if it were possible around all works to prevent the sale of stronger stimulants, simply have beers, beers and light wines, I believe it would prevent a good many accidents in that way; the men go out to lunch and drink a little too much and come back befuddled, and they are not alert as they should be, and they get hurt. There is another matter that enters into this question also; that is, the question of long hours of labor. One man has been on the *qui vive* for many hours and isn't in the same condition to act quickly and alertly in the presence of danger and until you can cut down the hours of labor for many workmen we are going to continue to have accidents. Now, one thing that it seems to me that the State might do at once is to erect a museum for the exhibition of safety devices and for the education of employers, and I don't believe that that institution would do the work, the best work of which it were capable, unless they were connected with competent mechanical engineers who were making the question of the prevention of accidents their life study. Now, it might be possible to utilize some existing institution. There has been formed here recently in the city of New York an association known as the Engineers' Safety Association, of which Professor Hutton, formerly head of the School of Mechanical Engineering of Columbia University, is president, and there are such men connected with it as, for instance, Mr. Kirchoff, of the Iron Age, Mr. Martin, of the National Electric Light Association, Mr. Towne, of Yale & Towne, Philip T. Dodge, of the Mergenthaler Association, Arthur Williams, of the Edison Company, Mr. Wilson, of the Fire Underwriters, Mr. Moran, of the Travelers' Insurance Company, and, I think, Mr. Boling, also of the safety committee of the United States Steel Corporation. That institution is a separate institution, and this association was really formed to get public support, to get a large number of people all over the country and contribute some amounts annually for the support of this work. Now, it seems to me that if the State would do just as the city does for the Museum of Art or the Museum of Natural History, the Botanical Gardens and Zoological Gardens, the Aquarium, it would furnish the means for the erection of a proper building.

Chairman WAINWRIGHT.—I would like to have your views as to whether the De-

partment of Labor could institute as an adjunct to its other activities some such museum or museums of that kind, and you think that could be done by the State through one of its departments?

Mr. LAW.— I certainly think it could.

Chairman WAINWRIGHT.— Now, maybe having an advisory committee of citizens such as you mention, being run by the State as a State institution.

Mr. LAW.— Yes.

Chairman WAINWRIGHT.— Where would you say, if that was done, where would you say that such institution should be; how many ought we to have, and where?

Mr. LAW.— I think you certainly ought to have one at the start in the city of New York, and then you might, if you thought it advisable, have one at the other end of the State. I wouldn't go into it too deeply at first; it seems to me better to start in an experimental way and work up to something big, rather than to start big and then have to cut down, and fail with it. All these things are better to get through the course of evolution. I think it is a practical proposition, Mr. Chairman, but it seems to me that it would not be a practical thing unless you have connected with that a corps of able mechanical engineers who are making a careful study of the whole problem; then, I think, if you do have such an institution it ought to issue monthly bulletins for the information of the various manufacturers and there ought to be coupled along with that a good State law regarding the proper equipment of plants with safety devices. One thing that seemed to me might be done, it is going to be a matter of some account to educate employers and employees to be what they ought to be. Now, the way to bring the thing home to them most quickly of what they ought to be, I think they ought to attach to it some sort of financial penalty if they don't do it, and therefore it seems to me both employers and employees might be fined; not a large amount, but any violation of the statute regarding prevention of accidents.

Chairman WAINWRIGHT.— Take up the question of guards, what would you do to an employer who didn't furnish a guard for a dangerous machine that might be guarded?

Mr. LAW.— I think there ought to be a provision by which he could be fined for the lack of those guards.

Chairman WAINWRIGHT.— How about the man who was furnished those guards and didn't use them?

Mr. LAW.— Just the same with him; you will find that the employer has furnished

a guard sometimes and the men simply will not use them; they take them off.

Commissioner WILLIAMS.— As I understand it, there is a provision now in the law that makes it a misdemeanor for a workman to remove a guard.

Mr. LAW.— That is probably like Mr. Snyder pointed out, that it is not enforced.

Commissioner WILLIAMS.— Isn't that probably the trouble, rather than the law?

Mr. LAW.— Yes, that is very likely the case.

Senator PLATT.— And what would you think of a provision in the law which was put to January 1, 1914, that after January 1, 1914, it should be a misdemeanor for an employer to install or permit any machine to be operated that had not been guarded according to the specifications of the Department of Labor, and that after January 1, 1914, it should be a misdemeanor for any man to operate a machine that had not been, that did not fill the specifications of the department?

Mr. LAW.— Well, I don't think at first you ought to make the penalty too severe. It seems to me it is a little too soon.

Professor SEAGER.— How large a force of inspectors do you think —

Mr. LAW.— I don't think you can do it by inspection.

Professor SEAGER.— Well, every machine will have to be inspected.

Chairman WAINWRIGHT.— What was your objection to that, it would go in operation too soon?

Mr. LAW.— Yes, it seems to me putting too much of a burden on the community at once.

Chairman WAINWRIGHT.— How many years ahead might that reasonably be put?

Mr. LAW.— I think it would be better to be put at five.

Mr. COTTON.— Would it be possible to create machinery specifications that would cover all machinery of all sorts?

Mr. LAW.— Well, something might be done along that line in this way, the United States Steel Corporation, whenever it asked for a bid on a new machine, it always asks now for a statement of the safety devices.

Chairman WAINWRIGHT.— The General Electric Company does the same thing; every specification that goes on for machinery they put a stamp on it "All exposed gears must be guarded."

Senator PLATT.— Don't you think if there was a provision in the law manufacturers of machines would take more pains in safeguarding their machinery?

Mr. LAW.— Oh, yes, undoubtedly they would. I believe that thing is going to be taken up irrespective of the law, because

more and more manufacturers are taking it up.

Senator PLATT.—The law would help it along?

Mr. LAW.—Oh, yes.

Senator PLATT.—Last year we were over in Brooklyn inspecting a plant, I have forgotten what plant it was, Bliss, I think it was. They had machines there, they were manufacturing machines that were safeguarded and were manufacturing some kinds of machines that were not safeguarded. They said that the people buying those machines, on account of the extra cost of safeguarding them, invariably bought the unguarded machines.

Mr. LAW.—Yes, I have heard that same thing from manufacturers.

Chairman WAINWRIGHT.—Well, it practically comes down to this, that the big concern buys the guarded machine and the smaller manufacturer, who is looking for every penny, of course, will cut that out?

Mr. LAW.—Yes, that is true undoubtedly. Now, you can see a part of the difficulty that arises after you have provided guards. In the experience of the National Cash Register Company on some of their stamping machines, they put up an arrangement with two levers, or rather two valves, because the press is controlled by compressed air, and it was necessary for the operation of those stamping machines for an employee to have a hand on it; one of those valves, in order to bring it down, what did the employee do—simply tied one of them up so that they could get their hand on the other work, so it seems to me it is going to be quite as necessary to do something with the employee as well as the employer.

Assemblyman VOSS.—That was a case of piecework?

Mr. LAW.—A case of piecework, yes. I think that so far as bodies are concerned, it might be advisable for you to consider whether you should not provide an act covering boilers, just the same as they have in Massachusetts. Massachusetts has the best act of any State in the Union, and there is only one thing, for instance, that is going to accomplish a great deal of good by that act, they are preparing the manufacture of boilers with lap seams, and are calling for the butt strap seams. All of the boiler insurance companies lately have had a great deal of trouble with boilers made with lap seams, because a crack develops between the plates and you cannot determine the existence of that crack by inspection. Of course where you suspect the existence of such a crack you can remedy the matter, but you don't like to ask a man if his boiler is cracked, and unless you

know the crack is there, consequently we have a good many explosions that probably we would not have if we had a butt strap.

Professor SEAGER.—Will you explain the difference between a lap seam in an ordinary horizontal tubular boiler?

Mr. LAW.—The circular plates are brought around and then laid one over the other and they are riveted together; the difficulty is when you form those plates you bend it to form; of course, the rivets having an appreciable diameter, you don't quite get it right, and they hammer it down, and in doing that they start a crack, so you may start a small crack, and this piece rests over it, and you can't see it on the inspection, and that crack may gradually develop and go all the way along the seam, and we have had a good many explosions, all the boiler insurance companies have, just from that cause, and we are endeavoring to have people build new boilers with the butt strap seams, put a strip on each side.

Assemblyman VOSS.—Does it prohibit the structure or the installation?

Mr. LAW.—Yes, because all boilers that are manufactured outside of the State have to be inspected by a State inspector, and of course the inspectors of insurance companies are made State inspectors; all of our inspectors in Massachusetts have to take a State examination by a State Inspection Bureau, and we of course have been put to some difficulty, because a boiler might be made in Pennsylvania or Illinois, and if you ship it elsewhere, we have got to get the approval of that boiler from the Massachusetts Insurance Department, bring our inspectors from some distance, send him to Boston and have him examine it.

Mr. COTTON.—Are you familiar with the present law, that is, the substance of its provisions requiring certain things regarding the specific machines? Will you tell us what matters of safety might be put right into the law or ought to be put into the law and should not be left merely to the question of the discretion of anybody?

Mr. LAW.—Well, take first of all engines; I think you might have in the case of engines, the equipment of the engines with proper safety devices to prevent the fly wheel explosion.

Senator PLATT.—How would you do that?

Mr. LAW.—Why, the engine generally has a governor, but in addition to that, there is a safety device that can be attached also, consequently the governor will shut off steam and prevent an explosion. Now, of course we have wrecks even when we have engines equipped with these devices. We had a case just a little while ago, a rolling

mill in Cleveland; the engine had a governor and had a safety device; the governor failed to operate, the safety device stuck, and the engineer went to release it and he stuck his arm through the chain that ran from the device to the gear wheel on the throttle valve, and instead of putting it outside of that, he got his arm between the chain and the wheel, and threw the chain off, consequently the engine kept on spouting up and went to pieces and killed him, and injured another man very badly; so even after you get the other safety devices, you will have a lot of accidents that are unavoidable.

Chairman WAINWRIGHT.—You think that should be written into the law; some such provision?

Mr. LAW.—Yes.

Chairman WAINWRIGHT.—Is it in any State?

Mr. LAW.—I don't think it is anywhere.

Chairman WAINWRIGHT.—Now, what else?

Mr. LAW.—Well, the guarding of gears.

Chairman WAINWRIGHT.—That is in all those?

Mr. LAW.—Yes; I think there ought to be belt shifters in every case, no belt shifting permitted to be worked by hand.

Mr. COTTON.—Well, couldn't that automatic shifting thing hurt a good many small shops, Mr. Commissioner?

Commissioner WILLIAMS.—That is in the law now.

Mr. COTTON.—There is a provision for automatic belt shifting in the law?

Commissioner WILLIAMS.—It is not automatic shifting, it is a belt shifting device.

Chairman WAINWRIGHT.—Well, why couldn't that be handled just the same way under this plant of Senator Platts. Give them time to do it.

Mr. LAW.—Well, there is no doubt that the whole burden that you put on employers, that the more burdens that you put on employers, the more difficult it is going to be for the small man to start business; you are always going to run up against that problem. Then, the question arises, which is the better?

Senator PLATT.—The condition to the people as a whole is the question. You haven't any statistics as to the additional cost of a safety device regarding machinery and so on?

Mr. LAW.—I have not. It would be very considerable.

Mr. COTTON.—That is, the liability laws and the compensation laws passed by the New York Legislature in 1910, will, you think, have a tendency toward more inspection on the part of the insurance companies?

Mr. LAW.—That would be my idea.

Mr. COTTON.—And greater knowledge of its business, and greater joint action of the insurance companies you think works toward that end?

Mr. LAW.—I do.

Mr. VAN SCHACK, of the *Ætna Insurance Company*—As regards the legislation necessary to stimulate action and prevention, we did not understand that we would be expected to go into the subject in detail, so I am not really prepared to discuss that, perhaps what you gentlemen would like, but there are three essential points of all such legislation and those are covered in a way by the law in New York State now, first that requirements for safety precautions, whether mechanical or otherwise, should go as far as possible within practical limits, but should be careful not to exceed those limits; second, there should be ample provision for the enforcement of those requirements, both in the way of an inspection force sufficient to discover promptly all violations, and in the form of suitable penalties for violation; third, the inspection force should be removed from all possibility of connection with politics, by having it under civil service regulations, and the examinations of candidates for appointment should be such as to assure the employment of only competent men.

Taking up these points in their order, it seems to us that the general public has unfortunately been educated to a false idea of safety precautions, both in regard to their nature and their extent. All of us who are interested in accident prevention are indebted to our humanitarian friends for their agitation of the subject, but this agitation has confined itself within limits which seems to some of us to be too narrow. From many of the writings and speeches on the matter, one might naturally suppose that practically all accidents are preventable and by mechanical means simply, and that because a machine can be guarded, it can be guarded at all times. Nothing is further from the facts. Without going into percentages, which would require too much time, and which we therefore have not conveniently at hand, it is safe to say that a majority of accidents cannot be prevented other than by the slow practice of educating the workmen to greater knowledge and greater carefulness, and that of those which are otherwise preventable, as many at least can be prevented by administrative precautions as by mechanical safeguards supplied to actual machines or machinery.

In making this statement, we should not be understood as belittling efforts to furnish mechanical safeguards wherever possible. We ourselves are only one of many who are earnestly engaged in the work of trying to get all machines guarded, and are constantly endeavoring to find ways of guarding such machinery as it has hitherto been deemed possible to guard. We are convinced, however, that only practical methods of safeguarding have any chance of becoming of permanent value and that it is necessary to recognize the fact that in the case of many machines used for a wide variety of work, a guard can be used some of the time, but not always. To accomplish the largest result, the co-operation of both employer and employee must be obtained, and it will be forthcoming from neither if the safeguarding required by law interferes unnecessarily with the efficiency of the employer's plant or with the workingmen's wage earning capacity. It is essential, therefore, that the requirements for safety precautions should be most carefully considered with a view to their demanding nothing necessarily impractical from either employer or employee. The watchful eye of a competent inspection force, accompanied by gradual education of both employer and employee can then be trusted to see that such requirements are complied with to a steadily increasing extent.

As to the second point which we have made, that of ample provisions for the enforcement of safety requirements, the importance of a sufficient inspection force cannot be exaggerated. In Germany and other foreign countries, where a systematic effort to prevent accidents has been made for many years, it has been demonstrated that the publication of rules for the prevention of accidents is practically useless unless supplemented by an inspection force which sees to it that the rules are enforced. We are satisfied from our experience in the liability insurance field that the same condition prevails here. Such an inspection will be largely useless, however, if there is not adequate provision for punishment of violations of safety requirements discovered by the inspectors. The manufacturer who fails to provide guards wherever possible, or the workman who unnecessarily removes a guard, intentionally damages one, or fails to use one provided, should incur a penalty calculated to make him hesitate to repeat the offense. We now come to the third point, the character of the inspection service. An inspection force made up of men whose appointment and retention are dependent wholly upon the personal inclination of a superior who owes his place to political favor cannot at-

tain the desired degree of effectiveness. This is on account of two reasons: first, because an inspector cannot be expected to make reports and recommendations fairly and fearlessly if there is any chance of his feeling that his continuance in his place may be jeopardized by his displeasing his employers of influence; second, because an inspector should be selected solely on account of his qualifications for the work and not because of any debt which a political party or partisan may feel is due him or those interested in him. The province of an inspector is not only to discover dangerous conditions and to report thereon, but to recommend such remedies for these conditions as may be both desirable and practical. To do this he needs to know his business and to have at least a good foundation of such knowledge when he begins his work. Ability to get out the vote when occasion requires, or kinship with an influential man are not necessarily prerequisite to success in such a nice art as that of discovering the possibilities of danger and recommending precautionary measures under widely varying conditions in a large number of industries covering practically the entire range of human industry. In expressing our views in regard to inspection appointments, we are not referring especially to New York State, whose inspectors we understand are appointed under Civil Service regulations, but the New York practice does not obtain everywhere, and the whole question of the appointment and retention of inspectors is of such vital importance that we trust you will pardon our reference to it. Not only should an inspection service be divorced entirely from politics, but when Civil Service is applied, the examinations should be carefully planned by practical men with a view to thoroughness and comprehensiveness, and this test of competency could well be made to apply not only to candidates for new appointment, but also to the legacies, political or otherwise, handed down in the past.

The part which the inspector plays in accident prevention is so important that we hope you will pardon my mentioning another essential feature of his qualifications. He should be selected not only for his knowledge, but for his enthusiasm in the work, and as far as possible, for his apparent ability to communicate that enthusiasm to others. The inspector who can do something to influence employers, superintendents and foremen to become as vitally interested in the prevention of accidents as he is himself, can often accomplish as much in this way as by his application of his knowledge on the subject. What we call the moral hazard of a risk,

namely the attitude of the men in authority toward accident prevention, is all-important. So many accidents can be prevented only by proper supervision and by spreading from the top downward of the feeling that accidents can and should be prevented, and that the enlistment of the cordial co-operation of those in authority should not be neglected.

In conclusion, may I divert from the direct subject to say that the work of accident prevention can never be complete until attention is turned to the workman himself and to the prospective workman. As far as immediate results are concerned, careful selection or instruction of employees are our only resource. Looking to the future, however, we believe that a systematic effort might well be made to train up a body of future workmen whose superior knowledge and whose habits of carefulness would largely reduce the accident ratio. The subject of carefulness should be taken up in the trade schools, in the training departments of our great industrial institutions, even in the manual training departments of our public schools. While it would be a slow process, the result in the end would be sure to justify the time expended upon it. These young men in whom habits of carefulness were instilled during the receptive period of youth, would gradually leaven the mass of workmen as they were scattered throughout our industrial work. I thank you, gentlemen, for giving me the opportunity of appearing before you.

Mr. COTTON.—Now, Mr. Van Schaack, your own company carries a large inspection force, doesn't it?

Mr. VAN SCHAACK.—Yes.

Mr. COTTON.—And you do make your rates fit your conditions of risk?

Mr. VAN SCHAACK.—Oh, yes. When a rate comes up for renewal, the experience which we have had in that particular risk is taken into consideration in fixing the new rate.

Senator PLATT.—But in the first instance, you charge the average rate?

Mr. VAN SCHAACK.—Yes, we charge the average rate in the first instance, unless we make a special inspection beforehand, as we sometimes do on a large risk.

Mr. COTTON.—Practically you cannot afford that on a small minor risk?

Mr. VAN SCHAACK.—It would be a good deal of a proposition, because when a risk is presented to us, we don't know as we would have it always, and you couldn't examine every application.

Mr. COTTON.—How long policies do you write? Usually for the term of a year?

Mr. VAN SCHAACK.—A year; sometimes three years.

Mr. COTTON.—In the inspection forces do you have occasion to observe the inspection of the State Department of Labor; do you come across it; do you come in contact with it?

Mr. VAN SCHAACK.—We do at times.

Mr. COTTON.—What about it; is it better than your own or is your own better than it?

Mr. VAN SCHAACK.—That is rather an embarrassing question.

Mr. COTTON.—Oh, no; Commissioner Williams is right here.

Mr. VAN SCHAACK.—We didn't come here to criticise his department, and I don't understand your asking the question, but generally speaking, throughout the country, I think that an earnest effort is made, I think that our inspection department has been hampered in the manner in which it is allowed to appoint its inspectors, though I think it is not done in New York State.

Mr. COTTON.—Well, for instance, are your men, the inspectors that you hire, more highly paid than the ordinary State inspectors; do you hire mechanical engineers, mechanical training, or do you hire men who have been through the practical line?

Mr. VAN SCHAACK.—We hire practical men and we had some mechanical men, but mostly it is practical men. However, I did not come here equipped with a good deal of information which you desire to have.

Mr. LAW.—As far as our inspectors are concerned, they are generally started at about \$1,200 a year, and then they are increased according to their efficiency and ability, not only the character of the inspection they make, but the rapidity with which they can make them; they go up to \$1,300, \$1,400, \$1,500; of course, you take the employers' liability inspectors and they get sometimes \$1,700 and \$1,800.

Chairman WAINWRIGHT.—What do men of that character get in England, Mr. Gilmour?

Mr. GILMOUR.—They are graded higher than on this side; they go up as high as \$4,000.

Mr. VAN SCHAACK.—An inspector will very often go into a place where the law requires that a guard be placed, and will insist upon the application of a guard, but he has no advice to give as to the particular guard, I mean the way of guarding is not helpful, and he simply says that a guard must be put on there, and very often the people in charge of the plant put on the first manufactured guard that comes, which really is not enforced as efficiently as the

occasion requires. It seems to me that an inspection force of the State should be very carefully educated all the time, so that as much as possible they can suggest the practical methods of guarding varying conditions.

Chairman WAINWRIGHT.— You attribute the same importance to a museum of safety as Mr. Law did?

Mr. VAN SCHAAK.— I think a museum of safety would be an excellent thing, but no matter how many museums of safety we have, I don't think we will prevent as many accidents, unless we continually get after the people and see that they use the guards which are suggested.

Professor SEAGER.— But wouldn't it, therefore, from the very point of view suggested, have the means of training the inspectors as to what the guards are?

Mr. VAN SCHAAK.— Oh, yes; an inspector cannot be too good.

Mr. COTTON.— And training employees themselves as to the different kinds of guards there are, and different ways there are of using them?

Mr. VAN SCHAAK.— Yes; the demonstrative side of it is in my opinion more important, because there are so many conditions which cannot be guarded at the time machinery is manufactured; there are so many special ways of doing work and special ways of conducting a plant that the cordial co-operation of the men, accompanied by efficiency on the part of the workmen, that if they are interested in the prevention of accidents really the most important thing, no matter how many machines we guard, or, I was going to say, how many places or structures we guarded, unless there is a constant enthusiasm planned for the prevention of accidents.

Commissioner WILLIAMS.— That brings us, does it not, to the very important question of the standardization of guards?

Mr. VAN SCHAAK.— Yes; it is impossible to standardize guards, in my opinion.

Commissioner WILLIAMS.— Then in that case it is a question of the individual opinion of the inspector, is it not?

Mr. VAN SCHAAK.— Yes, but I think that the inspection force can be educated, standardized, as you might say.

Commissioner WILLIAMS.— That we have been trying to do in the State of New York.

Mr. VAN SCHAAK.— I think the inspection force can be standardized, and I think, secondly, in the end it will be increasing, they will be able to allow for certain varying conditions here and there,

the standard method of guarding those particular conditions.

Commissioner WILLIAMS.— And that brings us to the other question, the danger that the inspector is confronted with if he recommends a certain guard.

Mr. VAN SCHAAK.— Well, I don't think the inspector should necessarily recommend a certain guard, but I think he should be very careful to recommend only a guard which is thoroughly practicable, I mean a system of guarding.

Commissioner WILLIAMS.— But isn't he compelled to pass upon the guard; wasn't this practicable?

Mr. VAN SCHAAK.— I think he is to a very large extent.

Commissioner WILLIAMS.— How can he escape the danger to which I have referred?

Mr. VAN SCHAAK.— You mean of his —

Commissioner WILLIAMS.— Being charged with having a pecuniary interest in pushing a certain guard.

Mr. VAN SCHAAK.— I don't see how he can.

Commissioner WAINWRIGHT.— If he has not the interest he will have to take his chances, I suppose?

Mr. VAN SCHAAK.— But the home-made guard, outside of guarding gears and a few other things of that kind, the home-made guard device for the particular work and particular needs of that plant, is far superior to the manufactured guard; the principle of guarding is the thing we want to impress upon the people; then it rests to a very considerable extent with the proprietors and managers, that is, you might say, the practical engineers in charge of the work as to the exact application of that principle as determined by their conditions.

Chairman WAINWRIGHT.— Mr. Van Schaack, I would like to ask you whether you ever go into the question of shop rules or orders for shops from the employer himself to his men. Do you carry your inspection and your control to that extent?

Mr. VAN SCHAAK.— We endeavor not only to go into that, but naturally we try to get as definite an idea of the moral hazard of the risks.

Mr. COTTON.— You do not ever insist on certain shop rules in certain shops, do you?

Mr. VAN SCHAAK.— We do on certain occasions; it is pretty hard to draw up an absolutely infallible set of rules for any particular shop.

Chairman WAINWRIGHT.— When any shop has no rules, you never see that they have some?

Mr. VAN SCHAAK.—We do.

Commissioner WILLIAMS.—Would you favor clothing the Commissioner of Labor with power to prescribe general rules applicable in all plants?

Mr. VAN SCHAAK.—Well, I think there are certain things that should be done in all plants. Those rules would vary in different plants.

Commissioner WILLIAMS.—I had in mind general rules.

Mr. VAN SCHAAK.—Well, I think certain general rules which—there are certain things which might be—as to the way in which that could be done, that must be governed largely by local conditions.

Chairman WAINWRIGHT.—Take the question of clothing. I think more or less rigid rules can be enforced in regard to clothing. I suppose that is entirely a question of shop rules?

Mr. VAN SCHAAK.—It is entirely a question of shop rules; things of that sort could be made a rule of general application, but if we want to get the general cooperation of the employer, or the employee, which is absolutely essential to the prevention of accidents, I think we have to confine ourselves to recommendations which are entirely practicable; if you make an impractical recommendation, they will say, "Those are people that don't know anything about the business," and consequently there are few recommendations that are practical.

Mr. COTTON.—I would like to hear now from Mr. W. G. Cowles. Mr. Cowles represents the Travelers' Insurance Company. Mr. Cowles, you know what our troubles are, and what we want to hear, and also one other thing, I hope you will touch on before you are through, and that is as to the joint action as to insurance companies, and the possibility of it, whether it is good, bad, right or wrong.

Mr. COWLES.—Well, Mr. Chairman and gentlemen, I had the pleasure of saying to this Commission something over a year ago, that I was very anxious to be helpful if I could be, out of my limited experience, and I still feel the same way. In acting upon Mr. Cotton's invitation, and what I have heard here, I will offer a few suggestions for what they are worth. I was much impressed with what the first speaker said, the representative of the Ironworkers' Union, and I have been much impressed with the other witnesses, and the proposition that appeals to me most strongly in the prevention of accidents is that we are not suffering so much for the want of law as we are for the want of en-

forcement. While it is probable that existing laws may be amended in some particulars to their advantage, I am not sufficiently familiar with the exact details of the New York State law respecting safeguards to offer a suggestion. I presume that could be, but the great problem is to secure practical enforcement, as I see it, and in dealing with that question as to how it shall be done, I wish you to believe that in offering my own ideas, I am offering what I hope is the best idea, when I say this, you have a State, and I judge from remarks here this morning, a city department engaged in this work, and I infer that there are not a large number of inspectors so engaged. As I sat here and listened to these remarks, I thought of some twenty-four, I think, insurance companies, liability companies, doing business in the State of New York; the Travelers' Insurance Company employs about fifty inspectors in the State of New York, and other of the larger and older companies probably employ a somewhat similar number. Our inspectors are limited in their work almost exclusively to liability lines; of the fifty, about thirty are in New York city. Those figures are approximate, and I think fairly accurate. We hire a class of men, the best we can obtain for the purposes intended. The average working inspector, I guess, is paid about an average salary of \$1,500. We have some specialists in lines peculiar to themselves who are paid as high as \$3,000 and \$4,000; we pick these men from the schools and from the bench or the machine shop, and in various ways get together a good force. Now, other companies of these twenty-two or twenty-four in the State, have a large number of inspectors, and I dare say if you put them all together you might have a force of 250 or 300 inspectors, or perhaps more, I am only guessing at it; I don't know, working in the State of New York, in an attempt to do the very thing that you gentlemen are trying to accomplish. Now, why don't they succeed? The reason they don't succeed is because their work is not effective, and the reason their work is not effective is because it is not co-operative. We have, I see, of recent birth, what is known as a workingmen's compensation service, and information bureau, of which many of the companies doing business in the State of New York are members; one of the professed purposes of that bureau is to make the work of inspection co-operative. If you gentlemen can discover a way, consistent with the ordinary methods of dealing with such matters, whereby the State of New York, the employers in the

State of New York, and the workingmen in the State of New York can have a real benefit from this vast force of men, not in opposition to the State or city department, but in collaboration, and in addition to it, if you please, you will certainly discover a method that will be effective. There are two ways to enforce a law, one is by the customary infliction of a criminal or quasi criminal penalty, and the other is by depriving a person of something which he badly needs; the method which we employ in the correction of our children by taking away their toys, is the best method; the ordinary punishment of criminal procedure is too long, and about the time it catches up with the criminal, the cause for the action is forgotten and the harm has been done. And I say to you gentlemen that there is no better way to obtain efficient service than to adopt that which is now in consideration and permit the companies, in conference one with the other, to organize a joint inspection service, calculated to secure results at the least possible cost, and calculated to deny immediately to one who does not comply, all privileges of being insured. It is so much more effective in the criminal processes that I am afraid there is very little room for argument, so that in answer to the general question, although I hadn't come here prepared to answer such a question, I should say, generally, that you have law enough and practically no enforcement, and that the practical enforcement of the law is best obtained through the machinery now existing properly augmented and properly started, and that the policy of the State of New York, and every other State seeking seriously to accomplish the best results, should be the policy of legalizing and even enforcing, if you will, any reasonable restrictions and co-operation between those whose inspection is backed by self-interest, and that is the insurance companies, because error in their inspection is at their own peril. That has been the theory upon which all these conditions have been brought up in other countries. The proposition is this: Let them take our bureau as an example, it may not be the proper vehicle, but suppose it could be made such; one of the professed purposes of that bureau is to communicate with the members respecting inspection efficiencies in given risks. One member of the bureau makes an inspection of a risk in the State of New York and calls attention to certain missing safeguards or certain conditions supposed to be contrary to the interests of the workingman, of the safety of the workingman. The employer, as is the case in a very large majority of

the cases, pays no attention whatever; he either ignores it, or if you push him for an answer, he will perhaps insult you. Then it is the purpose of this bureau to have the facts reported. At that, it may be that some inspector, although well meaning, may have overshot the mark, may have been too exact in his requirements, and may have been burdensome upon the employer to furnish what that inspector required to safeguard that, the bureau has an inspector, we already have one, as a matter of fact, and that inspector is a sort of arbiter on the question of accuracy and necessity of the requirements; in that connection it would be very feasible for the service of the State or State Department also to have an arbiter to see whether we were reasonable in our requests or not, and finding that we are reasonable, in a broad sense the bureau denies from that moment to that employer any insurance.

Chairman WAINWRIGHT.—Can't he do that now?

Mr. COWLES.—No, sir; we can't for this reason —

Chairman WAINWRIGHT.—Why, can't you cancel his policy?

Mr. COWLES.—Yes, but another company takes it immediately, without knowledge of the facts; it is passed around and the other companies take it. This is merely a matter of passing this information around; it comes to every company; of the twenty-two or twenty-four, we have one bureau. Now we have a great force of men working in the State of New York not in the employment of the State and not at the expense of the State who are acknowledged to secure the very best results through self-interest; that is, self-interest of their companies, and that can be accomplished by legalizing a combination of companies for the purpose of securing this result—I don't know but it is legalized now; we hope we are not violating any law, but I point with a good deal of pride to the conditions which have been brought about by the fire department under similar circumstances with respect to the safety against fire, slow-burning construction, improvement of fire protection service generally, sprinklers and so forth.

Assemblyman VOSS.—Of course you would have to devise some law that would prevent another company from being organized and doing business in the city and then coming in and taking policies which you would not take as a result of that combination?

Mr. COWLES.—No, sir; I don't believe that is necessary; that process would correct itself.

Chairman WAINWRIGHT.—As I understand it, the problem is this: That if that requirement was determined to be reasonable and was not then complied with, that man would not be an insurable risk by anybody?

Mr. COWLES.—That is right. My idea, Mr. Chairman, that the law—to adopt Mr. Cotton's own expression—I think the law should permit companies in combination to blacklist uninsurable risks; it is an unfortunate word, but bear in mind, under reasonable restrictions; that is, let there be arbiters appointed by the companies, if you will, to pass upon the decency and propriety of the requirements.

Chairman WAINWRIGHT.—After it has once been passed upon, and passed upon openly and legally and fairly, why not make it very much to that man's interest?

Mr. COTTON.—The suggestion, as I understand it, is this: To pass a law allowing insurance liability companies to discriminate against risks who failed to comply with the measures for prevention of accidents recommended by the insurance combination.

Mr. COWLES.—That Mr. Chairman, it seems to me—after I listened to the ironworker—it seems to me there is no practical way but immediate punishment, if you please. The ironworker who spoke here, Mr. Snyder, stated a condition which we know to be true. The Commissioner here, if called upon to inspect the conditions mentioned by Mr. Snyder, would have been himself powerless to do it because he would have to keep inspectors on those jobs constantly, and it would take as many people to inspect a job as it would to work it.

Chairman WAINWRIGHT.—The general contractor would get notice from the building department, or the department of labor in the insurance department, that all his insurance on a building has been canceled, and it would not take him very long to observe the legal requirements; I believe that that could be done.

Mr. COWLES.—I believe that insurance men as a rule would tell you, and investigations of foreign countries would convince you, perhaps, that insurance of this character, especially insurance of a casualty company, is better for the people, and cheaper for the people under combination. You take in England by tariffs, you find no compensation; the theory that tariffs must exist in England—think what we could do if 250 or 300 inspectors, employed by 24 companies in the city and State of New York, could be employed as one mass, backed by the companies, to secure the conditions which the Commissioner of Labor,

with probably a limited force, can assist; he can arbitrate, he can go and see the disputed points, he can say this requirement or that is necessary and wipe it off, but let the insurance companies spend their money to some purpose.

Mr. COTTON.—What you are asking is what is proposed in the fire companies?

Mr. COWLES.—Yes; we ask to have safeguards against accidents for human beings.

Mr. COTTON.—The sprinkler system that we all know now about—that is entirely the result of this combination, initiative, as you call it?

Mr. COWLES.—Absolutely.

Chairman WAINWRIGHT.—Would you be willing in a case like that to give the Insurance Department of the State jurisdiction?

Mr. COWLES.—Surely.

Mr. COTTON.—May I ask if Mr. Law is in agreement with this general idea? It is rather a new idea, isn't it?

Mr. LAW.—Well, I don't think it is such a new idea; that thing has been discussed; I have discussed it a good deal with our counsel, and our feeling is this: That while theoretically it looks like a good thing, I am afraid there would be an interference to an extent that would make the business almost impossible to carry on, and we have an illustration of that just at the present time. We had a standard form of accident policies—we have that in the States of Massachusetts, New York and Minnesota; the Insurance Commissions in the States of Massachusetts and New York are co-operating together, and they have not been content to stay within the law; but they are undertaking to tell us what we should do about a great many matters outside of the law, and I am afraid that however nice and capable, a man with such power is going to exercise it arbitrarily. If you keep the commissioner within the law it is all right.

Chairman WAINWRIGHT.—I would only like to have from the Travelers' the number of inspectors you have in this field.

Mr. COWLES.—We have fifty about; thirty in New York city.

Chairman WAINWRIGHT.—And I wish, from the standpoint of the Travelers', to get what things ought to be written into the law here; specific directions as to safety on different machines.

Mr. COWLES.—I don't think, Mr. Chairman, that—although there may be some improvements in that direction—that is the essential part of it. I think we have law enough, generally speaking.

Chairman WAINWRIGHT.—There have been some things brought out here—we

found up in Glens Falls the other day a violation of the law with regard to setscrews, a very prolific source of injury, and apparently it was generally recognized that that was a very wise provision of law, and calling attention to it —

Mr. COWLES.— Insurance companies have had more or less trouble with setscrews.

Chairman WAINWRIGHT.— Now, I have in mind things of that kind, elevators, our attention has been called to boilers, valves of some kinds on other machines where it might be well written into our law.

Mr. COWLES.— It is very hard, I think, Mr. Chairman, to make a law that covers all the varied conditions. There must be a degree of discretion always, I should think. In fact, the Travelers' Insurance Company — of course this work I have been speaking of is entirely liability work but I believe that co-operation will secure vast results and more practical results. There is no way we can cover the buildings in New York city, as suggested by the ironworker, except by co-operation. Now the Travelers' have inspectors constantly on jobs; we have inspectors that control jobs right along, day after day.

Chairman WAINWRIGHT.— Now the probable cause of complaint of Mr. Snyder was the violation of the law in regard to covering the jobs; isn't that a mere question of control?

Mr. COWLES.— It might be impossible for the Commissioner to control jobs in New York. I am going to ask you to give me five minutes on this matter of rates. I have had a great deal to do with the making of these rates, and I want to explain one thing that may be, perhaps, misleading to you. There are two rates, and I want simply to call your attention to the fact that the purpose of that was this: When the law became effective September first, last, we had thousands of policies outstanding in the State of New York, not only my company but all companies, and the problem which presented itself was to avoid the wholesale cancellation of all and the way to do that was to devise a rate for the condition of existing policies to cover the new laws.

Mr. GATY.— Mr. Theodore E. Gaty, of the Travelers' and Casualty Company, with Mr. Law. I would like to say a word or two along the line of inspections. If you take the State inspection, or any bureau created by the State, I think it is absolutely impossible for the State to cover all the conditions. I think Mr. Cowles brought that out. The trouble is, you have got to have specialists in certain lines. The

insurance companies have specialists; for instance, in mining inspections; if you had an ordinary mechanic and would send him underground, he is lost; he doesn't know where he is at, and it is, therefore, impossible for a man of that kind to make an inspection of a mine. Take a machine-shop inspector working on a bench, put him where dynamite or explosives are used and he knows nothing of the uses of high explosives, knows nothing of the mechanical devices that are used in engineering works, and he can't pass on the safety of such devices; therefore it comes in the way of employing specialists. Now the State, in order to cover that condition, would not only have to employ a vast force, but they would have to specialize; the insurance companies have to specialize, but their methods are wasteful by reason of the fact that inspectors are covering the same ground of twenty-four or twenty-six different companies operating in the State of New York. Therefore what Mr. Cowles says is absolutely true; there would not only be economy in inspectors, but it would work in the way of reducing accidents. I believe the purpose of this Commission, of the companies co-operating along inspection lines, we are very much in favor of that; I think all the insurance companies are in favor of that.

Chairman WAINWRIGHT.— Does that represent the general agreement of the insurance companies here to-day?

Mr. GATY.— I think it does; I don't know of any objection to that plan.

Mr. COWLES.— Mr. Chairman, I think it ought to be understood that the representatives of the insurance companies are here independent of any organization; it has never been discussed at all. I never thought of it before I came here, and I don't believe that Mr. Gaty means to be so understood.

Mr. GATY.— No, I don't.

Mr. T. J. CURTIS (of the Rock Drillers). — Mr. Chairman, when appearing before your Commission before, I was not prepared to meet you as well as I am now. I have some of the cuts of tunnels here, where all those accidents are happening throughout the State of New York at the present time.

Now, Mr. Chairman, to start off, to show the way accidents can be avoided in the work of tunnels in the State of New York, here is a heading here (indicating diagram No. 1) which is being drilled on the Waterworks at the present time. This diagram is what we classify as the dangerous heading, where all the men are killed.

Chairman WAINWRIGHT.—That black circular line around the diagram enclosing the white holes represents a bore of the tunnel?

Mr. CURTIS.—That is the bore, it is 8 x 20, 8 feet high and 20 feet wide. That 20 feet is the floor of the tunnel. Now, in that heading there are sixteen holes; that is the heading where thirteen men were killed at Cold Spring with one shot.

Chairman WAINWRIGHT.—Give us the dimensions of the tunnel, the string line is —

Mr. CURTIS.—Twenty feet, and eight feet high.

Chairman WAINWRIGHT.—And how many holes?

Mr. CURTIS.—Sixteen holes drilled in; that is known as the dangerous heading. Now, this here is what is classified as the cut holes, those holes here; that is where they started to cut, to go into the heading; they are drilled at about eight feet deep into the heading, and the machines are set up in the position, and when those holes are drilled in there that heading, they are about a few feet on the inside. They all turn toward each other by a few feet; that is what is called a cut. Now, as a general rule, where all the accidents happen on this is the loading of all those holes together; they are all loaded at one time, and those holes here (indicating) if they should happen to miss, or any of those holes should happen to miss, that powder lies in there dead, which I will explain in another one of those dimensions. The tunnel where this great accident, one of the worst that happened, was in January, I believe, 1910; last year. The dynamite holes were loaded and fired, and they didn't go off, because they were too strong. Now, they went in to reload them holes, and when they went in to reload them holes, there was a man that didn't understand his business handling that dynamite, and out here where the heading stands was three boxes of dynamite; as soon as he put in his exploder and stick of dynamite, there came a flash of fire that caused the explosion of the dynamite outside, and outside of fourteen men in there, one is alive and thirteen killed outright. Now, the men that were killed in there, they were all mangled in all kinds of shapes, but we had one man in particular that there wasn't a scratch on him in any shape or form. He was a colored man by the looks of him, and a man went in to identify him and said he was a white man, but he was burned every inch of him, his skin was burned completely off of him, so the idea is that we are trying to get out, that that

classification of a tunnel should not be allowed by a law of the State of New York, those little holes.

Chairman WAINWRIGHT.—Now, how can you regulate the number of holes?

Mr. CURTIS.—Well, I have it regulated. There is a heading that can be fired safely.

Professor SEAGER.—How is that work lighted; by batteries?

Mr. CURTIS.—It is not done by batteries; that is put off by switchboards. The switchboard is connected.

Professor SEAGER.—How is it lighted?

Mr. CURTIS.—Electric light. In this tunnel it was not lighted by electric light; it was lighted by torch.

Professor SEAGER.—Did it have anything to do with the accident?

Mr. CURTIS.—No, through the way the powder was being handled. It was an incompetent man that was handling the powder. Now, that is too strong for to pull in safety. Now, each one of them holes you will have to put from sixteen to eighteen sticks of dynamite, on an average it would cost \$40 to \$50 to pull that cut, but they claim this is cheaper —

Chairman WAINWRIGHT.—By this you mean referring to diagram 2, which shows a different arrangement of holes?

Professor SEAGER.—Are you sure that accident happened because of the failure of some of those holes to fire?

Mr. CURTIS.—Positive.

Professor SEAGER.—I understand the cause of this accident was the dropping of a torch on this powder.

Mr. CURTIS.—Not at all; those holes, we have got one of the men that went in there to load those holes; of course you will get different causes for the accident.

Professor SEAGER.—How can you be sure, if all these men were killed?

Mr. CURTIS.—Well, there is one man surviving out of that crowd, and they went in there to load them holes and the holes had been loaded and had been fired, and them holes were still hot; after the accident happened, one thing we didn't have, we didn't get an inspection of this tunnel until four days after the accident, so there isn't anybody, so far as only taking the employer's word.

Chairman WAINWRIGHT.—Now, Mr. Curtis, I would like to have you give us exactly what you recommend. I must confess I do not understand the difference in safety between diagram No. 1 and diagram No. 2. Now, tell us.

Mr. CURTIS.—The method is this, that by drilling more holes into that tunnel you don't have to use half the quantity of dynamite. That is one, and it is safer.

The difference is in this here, from three to four sticks will shoot all them holes out of there, and in this it will take fifteen to sixteen sticks out of there, and then sometimes it doesn't take it out of there, and the danger is, if those holes don't go off when you fire that shot, and by the time the man could go in there and you can see the seams of rock that are in there, and by the time the man can get back into the tunnel again, those holes may go off at that time.

Chairman WAINWRIGHT.—How can that be prevented, Mr. Curtis?

Mr. CURTIS.—By only loading those holes here, those holes mustn't be loaded, but after they are shot, by coming in and loading those holes it is perfectly safe.

Chairman WAINWRIGHT.—You mean only loading the holes that are immediately going to be shot?

Mr. CURTIS.—That is it, that is known as the cut.

Chairman WAINWRIGHT.—Wouldn't it be equally effective not to allow the men to go in until time enough has elapsed to let the rock cool again?

Mr. CURTIS.—No, the longer you stay out after that shot goes off, the more time this has to go up into where the other holes are loaded, if it doesn't shoot.

Chairman WAINWRIGHT.—If you stayed long enough to let the rock heat and cool again, wouldn't that do?

Mr. CURTIS.—The trouble is that might require two or three hours, and they won't give you that time to stay out.

Professor SEAGER.—I see the point if you have only one number of holes shot at once.

Mr. CURTIS.—The point is you shouldn't load any more holes than you are going to shoot, that is the main point.

Professor SEAGER.—That is, if you are going to shoot all of them.

Mr. CURTIS.—They are shooting all of them, that is where this accident happened. This here shows where that has been shot out, and those holes—according to the law of the State of New York, of the Combustible Department, you can't do anything only set up a drill, and in setting up a drill you are apt to cause an explosion in there. Now, the whole point what I am trying to get at is, that the competent men, inspectors of this work, if they had a competent inspector they wouldn't allow this to go on.

Chairman WAINWRIGHT.—Now tell me, Mr. Curtis, how could an inspector stop that explosion as shown in the diagram?

Mr. CURTIS.—By allowing them only to load the holes here (indicating).

Chairman WAINWRIGHT.—Wouldn't there be required an inspector all the time?

Mr. CURTIS.—Well, the city has an inspector there all the time.

Chairman WAINWRIGHT.—You mean at every heading there should be an inspector all the time?

Mr. CURTIS.—No, but if it is found that the whole heading has been loaded up in one time, it should be made a crime punishable in some way that it is not at the present time.

Chairman WAINWRIGHT.—How can you regulate that? Leave it to an inspector, or a provision that in a heading you can only put in so many holes and load so much?

Mr. CURTIS.—I believe you can remedy it by law if you allow only so many holes in this heading to be shot off at a time.

Mr. COTTON.—I understand that you mean by the cut there that what you call unkeying the face, you believe those holes ought to be shot first?

Mr. CURTIS.—Yes.

Mr. GATY.—Isn't it very common to have some of those holes even where they are shot, where the holes won't go off?

Mr. CURTIS.—Very common, no, only once in a while.

Mr. GATY.—It does happen?

Mr. CURTIS.—Once in a while.

Mr. GATY.—So even in that case you would have an unexploded hole where they might drill into?

Mr. CURTIS.—If a man is a competent man, that is what we are after, a competent man handling this stuff, it can be caused by the man putting in an exploder say in a frozen stick of dynamite, so that while they are loading those holes if they got a wire strip, that hole wouldn't go off; if the man that loaded them holes knows just what hole didn't go off when he goes in there and goes to work, there is a remedy for getting that hole out of there without setting a drill.

Chairman WAINWRIGHT.—Can you establish any fixed rule with regard to the number of holes and the size of holes and the quantity of the charge, doesn't that depend a great deal on the character of the material you are going into?

Mr. CURTIS.—You take as a general rule, say we are blasting that size of tunnel; now, any less than twenty-six holes makes it dangerous because in the first place it requires too much dynamite to send it off.

Chairman WAINWRIGHT.—Well now, can you regulate, do you mean to tell us that you can regulate the number of holes

that there should be to the surface to be blown?

Mr. CURTIS.— Yes, I believe you could. I believe you could, and I believe it could be very easily remedied.

Chairman WAINWRIGHT.— But you are not prepared to say definitely how many holes there should be to a certain size of heading?

Mr. CURTIS.— Yes, I am in a position to say now that the dimension of holes in that heading, that there shouldn't be any less than twenty-six holes to be fired safely.

Mr. GATY.— Wouldn't that depend largely upon the rock itself? Suppose you had a badly fissured rock, it would take a greater number of holes in instances like that where the rock is badly fissured because a lot of the explosion would go to waste, whereas in a very solid rock, where there has been no fissures, it would take less number of holes?

Mr. CURTIS.— Not altogether.

Mr. GATY.— Isn't that so—are you a practical mining engineer?

Mr. CURTIS.— I have been working in tunnels and mines for a long while.

Mr. GATY.— Isn't it true, don't you find in a fissured rock or soft rock that you have to use a greater number of holes?

Mr. CURTIS.— Not all the time. no; you take that tunnel there, let it be soft or hard rock and you can pull it safely with twenty holes at any times.

Mr. GATY.— Well, it depends on the nature of the rock.

Mr. CURTIS.— If you go to work and have this rock, of course you can't pull it safely.

Chairman WAINWRIGHT.— Doesn't it all come down to the competency of the man, his experience?

Mr. CURTIS.— That is the main point.

Chairman WAINWRIGHT.— Now, we have had that subject brought to our attention several times, the competence of the men who are in charge of work with high explosives, we had it brought to our attention with regard to mines. How can you insure they are competent men?

Mr. CURTIS.— By an examination.

Chairman WAINWRIGHT.— You mean to say, your concrete suggestion then is that men should not be permitted to handle these high explosives or to direct blasts and so on, unless their competence has been determined in some way, unless they have been licensed to do it?

Mr. CURTIS.— That is it. I was going to ask this Commission to recommend some law that there be established in the Bureau of Labor of men to establish men for their fitness to handle explosives.

Chairman WAINWRIGHT.— And for rock work?

Mr. CURTIS.— And for rock work in general all throughout the States. For instance, we have had accidents in tunnels, we have had one here, one very serious one here in the State of New York on the operation of this tunnel going under the East River, a man coming in with a box of dynamite and a candle in his hand, the box was open and some of the paper takes fire; that man deliberately takes a bag and throws it; five were killed. Now, that was carelessness on that man's part and the trouble is that you take those magazines, we have had seven magazines blow up, and the whole thing was, it was incompetent men over them magazines; if it was in the city of New York here, it would have wiped out half the city, this was five miles out of Newburg and they had broken windmills in Newburg at that explosion.

Chairman WAINWRIGHT.— There is no competent test required to-day, is there, Mr. Commissioner?

Mr. CURTIS.— Now in the State of New York, combustibles in any shape or form, take the railroads, they are hooked up with other freight, three carloads of dynamite, hooked on with other freight, and the cars are bumping back and forth. That car is apt to take fire at any time and there is no regulation in the State of New York for the handling of dynamite or the proper inspection of it. There are a whole lot of those accidents. You take in a magazine, some of the magazines, lying through the City of New York, there is a live steam pipe running through it, there are men allowed to get in there, and if a foreman says to one of his men, go up there and get some dynamite, he goes up there smoking a pipe; I met a man in the street the other day with a box of dynamite and exploders in it, and he was smoking a pipe.

Assemblyman Voss.— Isn't it a fact that dynamite doesn't explode as the result of fire?

Mr. CURTIS.— Well, dynamite I have seen it explode in fire and I have seen it not explode in fire. This big accident that we had in the City of New York at 42nd street, that accident is attributed to fire, but the fire, the man that was at that taking care of that magazine was not a competent man. He walks in and throws a pail of water on that fire and he is going yet. That's where the whole thing occurs and that's how it happens in the majority of cases. I have been handling exploders and explosives of all kinds for five or six years, and I have never yet met with one acci-

dent; I have seen men under me who knew what their business was, and when I sent a man after a magazine he knew what he was going after, and I never had an accident.

Chairman WAINWRIGHT.—What is the significance of the other diagrams?

Assemblyman VOSS.—No. 3.

Mr. CURTIS.—This diagram here, there is no law covering it in the city. So as you cannot withdraw dynamite from the charge that is loaded.

Commissioner WILLIAMS.—May I interrupt, Mr. Curtis, there is in the State of New York, issued under authority of law, a set of rules and regulations which prescribe the method of preparing charges, and of charging the drill hole, tapping and relating to misfires, and the rule in the State with reference to misfires is precisely the same as that which is enforced in the city in case of misfire and the rule is never to attempt to withdraw a charge, always to drill a new hole.

Mr. CURTIS.—My contention is that that is not right; you take that cut for instance, there is two holes, and there isn't a man living that will set a drill up and drill between those holes; he runs chances of having his hide blown off. We had a case where a man was asked to do that, and he said, no, I won't do it, and they said, well, if you don't somebody else will, and he was put in there to drill that hole, and to-day there is a family of five children without a father. If I loaded that hole, I am not a bit afraid to withdraw that charge in safety, because when I put in my exploder, I put in another stick of dynamite on top of it. The danger is in heating the exploder, and I am not a bit afraid of withdrawing that hole, it is safer to withdraw that hole than it is to put a man to drill it. We understand it is against the law, but there is a lot of things when those laws were drawn up, they didn't have competent men to draw them up. I have gathered statistics on this authority throughout the State wherever tunnels were going on, and I haven't met two men that have been working at it from thirty to forty years but will claim that they can withdraw that hole in safety.

Mr. GATY.—Is it against the rule in that tunnel of the engineer to withdraw a charge?

Mr. CURTIS.—An engineer?

Mr. GATY.—The engineer in charge of the work.

Mr. CURTIS.—The engineer has nothing to do with it.

Mr. GATY.—Well, the employee in charge of the tunnel?

Mr. CURTIS.—No engineer in charge of the tunnel, the foreman; you wouldn't get the engineer to look at anything like that, the foreman is left in full charge; I heard a lot about those engineers in tunnels, but they can be on the outside, can be out of the way.

Mr. GATY.—Well, does the foreman instruct you not to withdraw the charge?

Mr. CURTIS.—The foreman doesn't do anything of the kind, if the tunnels are handled safely, the majority are handled in that way, withdraw the charge instead of putting a drill in.

Chairman WAINWRIGHT.—Now your point is in diagram 3 that the law should say that those charges should be withdrawn.

Mr. CURTIS.—Withdrawn if there is a competent man; I believe if the man was examined and was a competent man —

Chairman WAINWRIGHT.—Now you say that is the rule here in New York?

Mr. CURTIS.—That is the rule here in New York.

Chairman WAINWRIGHT.—And the rule here in New York, do we understand, Mr. Commissioner, is entirely contrary to the rules and regulations which have been prescribed?

Professor SEAGER.—You don't mean it is the rule, it is a practice.

Mr. CURTIS.—Sure, the law ain't lived up to at all with regard to withdrawing of charges; you have, for instance, in the City of New York we have got bricklayers to examine explosives.

Commissioner WILLIAMS.—I want to get clear upon this point there; what he recommends is that the blaster should be examined as to his competency.

Mr. CURTIS.—That is the main point, and should carry a license.

Commissioner WILLIAMS.—The rule is that blasting should be in charge of one person.

Mr. CURTIS.—One person only, and that is the man that is supposed to handle the dynamite, but that is not done.

Commissioner WILLIAMS.—I think the suggestion of Mr. Curtis that they should be tested as to their competency is an excellent suggestion, we have no authority under the present act.

Chairman WAINWRIGHT.—How far should that be extended, only to the blaster, or should it be so broad that —

Mr. CURTIS.—There should be a regulation, regulate how dynamite should be kept; it is kept in wooden shanties at present.

Assemblyman VOSS.—What would you say as to where it should be kept?

Mr. CURTIS.—I would say in a concrete structure.

Commissioner WILLIAMS (Reading).—Dynamite must be stored in a building, and somewhat isolated from traffic.

Mr. CURTIS.—It is not done. Diagram 4, this is the diagram where the gentleman speaks about the engineer coming in; here is where the engineer comes in. This rock is all cracked, this has been shot, and where all of our accidents happen, they take chances of getting hurt and setting up claims, and the consequence is that this is continually falling and killing men. Right here in the centre, we had a man by the name of Shaler who was an expert engineer; there was a rock laying right there in the tunnel at the time (indicating the middle of the tunnel, the top wall), and this rock was loose, he was told by his superintendent and by his foreman that they had better get that rock down, and he said, "I am an engineer and I know my business, and that rock will stay there as long as the subway will." One day the rock came down on to him, and you wouldn't know what he was when he was taken in.

Chairman WAINWRIGHT.—Now how about that, what is your recommendation about that?

Mr. CURTIS.—My recommendation is to make that safe, all that loose rock must be boarded down before the men are compelled to work in there.

Chairman WAINWRIGHT.—Your recommendation is that after a blast all the loose rock should be gotten together?

Mr. CURTIS.—The man in charge of that work should see that all loose rock would be taken down, before he orders his men to work, and that is not done at the present time. The question is to get in there and get it out of there, never mind about the powder and smoke. Only last week we had a man coming up out of the tunnel after getting a dose of powder, he was on the cage, not a man even sent up with him because that would take away too many men, and he walked off the cage back into the shaft again and was killed instantly. His lungs were all choked up with powder smoke and sometimes it makes a man intoxicated and he doesn't know what he is doing, and is the worst headache a man ever had.

Mr. GATY.—Isn't it true also that a man who swallows powder smoke, that as soon as he strikes the fresh air he tumbles off?

Mr. CURTIS.—We don't know what is the cause.

Mr. GATY.—That is what happens, though, when a man smells powder smoke he usually collapses?

Mr. CURTIS.—Yes.

Now, I can use that also as a diagram in the shaft. Now, in the sinking of the shaft the loose rock is not boarded down, and it is a case of go down.

Mr. COTTON.—How can you make a regulation about that, everybody probably would agree with what you say; how can the law fix it?

Mr. CURTIS.—The law can fix it so that it makes it safe; that a man shouldn't be asked to work in it.

Mr. COTTON.—But somebody must go in and take it out.

Mr. CURTIS.—You can take the rock without any hammer; you can take your pick and clear that shaft around. It is only last week I had a man they were using in those city shafts here; they were putting iron into that shaft to keep from falling, rims, rings, and they said, well now, it is easier to put in six than it is three, and it won't take so much time, so instead of putting in three they put in six, and while going down for the sixth ring it popped right out, the rock popped out and killed him instantly; that could have been avoided by putting in those three rings instead of going down for six. They were 1140 feet below the surface. The rock continues to pop like a blast going off, and it keeps loosening the rock and the pressure of the mountains closing in on it, and the whole trouble is that the pressure of the mountain would be stopped if the precaution was taken, but it is not. That is what we are trying to get.

Chairman WAINWRIGHT.—What is your recommendation there, that in every descent into a shaft there should be a ring?

Mr. CURTIS.—There should be a ring, and where the rock is dangerous—

Chairman WAINWRIGHT.—Is there any regulation on that in sinking the shaft, Mr. Commissioner?

Mr. CURTIS.—We haven't any regulation man that hardly knows the tunnel when he goes into it; there is no reflection on the men, but it is like those theorists I heard about; a boy came out of school and he was examined in tunnels, and as near as he gets to a tunnel is that somebody tells him about it; that is the way the accidents all happen; but if we had a competent man half those accidents could be avoided.

Chairman WAINWRIGHT.—That is comparing the rock and ring now, the next diagram. Are you through with that?

Mr. CURTIS.—I want to say, the rest of the diagram, this is even worse broke-up rock, but it is on the same style, we have had a case of that down at Forty-second street, and instead of timbering that up

and making it safe, they went right on and broke it up.

Chairman WAINWRIGHT.—What is the point there?

Mr. CURTIS.—That should be well timbered to hold it up; they don't take that precaution, they take chances, and if that rock was timbered up there—

Chairman WAINWRIGHT.—Is that a question for the rule of law?

Mr. CURTIS.—It is a question of allowing a competent inspector on a job, if he issued them orders it would be timbered up, but the trouble is there is no way of getting at it in any manner, shape or form.

Chairman WAINWRIGHT.—Of course, the question of timbering must be a matter of judgment with somebody, and your point is that the man to exercise that judgment should be as experienced a man, as properly qualified man as possible?

Mr. CURTIS.—That is my whole contention.

Chairman WAINWRIGHT.—Some test of his experience before he is permitted to exercise his judgment?

Mr. CURTIS.—Yes, the main point is the competent man all the way through, that is what it all leads up to; if you have an examination for a man to handle explosives, a competent man examining that man, he knows right away whether that man knows his business, and the regulation of dynamite and all that stuff can be easily taken care of, and we can do away with all those explosions that happen, or the majority.

Professor SEAGER.—Now, Mr. Curtis, let us come down to this examination; what sort of examination have you in mind, what sort of questions would you ask a man?

Mr. CURTIS.—If I was examining a man I would ask him if he had begun those tunnels, the dimensions, and I would ask him how many holes to put.

Professor SEAGER.—How would he learn it?

Mr. CURTIS.—If he didn't do the trick, he wasn't a competent man. He must have had experience. You can take any man. We have got in the organization, we have got 3,000 men, and we have about 100 foremen out of that, while all those men that are working in tunnels and mines at the same time they are not foremen and they will be a great deal better foremen than the man who is there; they can't get their chance, they don't stand in right with the boss, whereas if they got an examination there would be a competent man; you can't get an examination in the City of New York to-day without getting a letter from your employer; there are lots

of competent men that can't get those examinations.

Assemblyman VOSS.—Why can't they get the letter?

Mr. CURTIS.—Because they don't want them. You can't go down there and take an examination on your merits; if he wants you, he will say, here, go down and get examined.

Chairman WAINWRIGHT.—You mean to say there is a license required here?

Mr. CURTIS.—In New York City, yes.

Chairman WAINWRIGHT.—But for the rest of the State there is not?

Mr. CURTIS.—No; but we haven't a competent man here to examine us in New York City, and as I told you, it is a bricklayer. How can a man be examined to be a competent man by a man who had never seen dynamite? I read the other day where a man found a stick of dynamite and put it into a pail of water, and had the whole police force after him; that's all bunk, there is nothing to it. I will carry a stick of dynamite any place in a mine; they carry it around in their boots to keep it thawed out; I was riding with a contractor once who had dynamite under the seat of the wagon sitting on it, thawing it out that way. If we can get to the point of having competent men in this line, there isn't any question that we will not have half the accidents we are having on that city work; that shaft is down 1140 feet, and from dynamite we haven't had one death, and there is a shaft up on the hill, just across there, where there are accidents happening every day.

Chairman WAINWRIGHT.—You mean the city is doing it itself?

Mr. CURTIS.—Yes.

Chairman WAINWRIGHT.—The other is being done by a contractor?

Mr. CURTIS.—Yes.

Chairman WAINWRIGHT.—And the city is free from the accidents and the contractor is hurting his men?

Mr. CURTIS.—Yes. We only had, in sinking 1140 feet, we only had two deaths, and they have had other contractors on the same line that have had from fifteen to twenty, according to statistics, between about 150 to 160 deaths and about 300 injured.

Mr. SMITH.—How do you account for the injuries to the contractor's employees, and to the difference in the city?

Mr. CURTIS.—The men have more time; take this contract here, they are working a bonus system, they give the men so much for all, for so many feet a day, and those men, they are a whole lot of ignorant men, and they will take chances on going down there for that bonus, and as to that one

thing they ought to have a law passed, that bonus system is where the men are injured.

Assemblyman VOSS.—That is the city's method?

Mr. CURTIS.—No, the contractor's method. The city's work, they have only killed two men on the entire job, and I tell you if the precaution had been taken to put on those rims, that they wouldn't have happened, but instead of putting three, they put in six, that is the only two serious accidents we have had in sinking 1140 feet of shaft.

Mr. COTTON.—How long had that shaft been going?

Mr. CURTIS.—As far as I can gather from statistics about 150—

Mr. COTTON.—How long a time?

Mr. CURTIS.—The city shaft has been going on two years.

Mr. COTTON.—The reason that I was calling your attention to that, is that I was just looking at the figures of the Commission as to the number of men killed in tunnel work, and he reports forty-nine killed in 1910.

Mr. CURTIS.—Well, there was one-half he didn't find—does that accident where the thirteen were killed appear?

Commissioner WILLIAMS.—It should.

Chairman WAINWRIGHT.—May I ask right here, as I understand it? Mr. Curtis claims that there are a great many of these accidents that have not been reported. Now, you have all your cases file accidents, accident reports, I suppose, of your organization, and you have a list of them and where they occur; why not furnish the Commissioner with a list of those, and just see for curiosity sake whether there has been a report made to the Commissioner by these employers which the law requires?

Mr. CURTIS.—I tell you I am up against a stiff proposition in a thing like that; there are a whole lot of those employers that are dealing fair with the organization, and as soon as you—I could mention names here to-day, but I am not going to do that, because that will hurt the organization and they will wipe you out of existence, that is the only thing I don't like.

Professor SEAGER.—Do it confidentially, give Mr. Williams a clue.

Mr. CURTIS.—There is one contractor in particular, and from the men, of course. I don't get all the accidents, but from men that have worked in the vicinity, they tell me that there have been twenty-five on that one job killed.

Chairman WAINWRIGHT.—You have the names of all those men?

Mr. CURTIS.—No, I haven't them all, because the men working on the job will

only report so many men were killed to-day and so many killed yesterday; a week ago last Saturday I saw four in the undertaker's shop at once, two killed by electricity, one man killed, and you wouldn't know anything had happened at all, no mark on him, the wire not being insulated and he went to crawl over the top of the heading and he was killed instantly.

Commissioner WILLIAMS.—Mr. Chairman, let me make one remark here. That if more than we have reported were killed on tunnel construction for the City of New York under the jurisdiction of the Board of Water Supply, then that Board is responsible for having failed to report the accidents to us; every accident which occurs on this tunnel work is reported to us officially by the Board of Water Supply.

Mr. CURTIS.—Isn't it possible for men to be killed without the Board of Water Supply knowing about it?

Commissioner WILLIAMS.—I believe that every employer is compelled to make a report.

Mr. CURTIS.—Well, you know there is lots of compelling, but it is not lived up to, they don't do it.

Chairman WAINWRIGHT.—Will you furnish the Commissioner with all the men you have now that have been killed?

Mr. CURTIS.—Well, as near as I possibly can I will try and get that up, there is men killed every day that I don't know anything about it and we have it only from hearsay, but we have buried, I believe, right directly from the organization, we have a system that we pay \$100 to a man if he is in good standing, and if he is not, we don't, so if he is not in good standing he is not reported on our books there, and we don't know anything about it.

Professor SEAGER.—How many did you have in 1910, do you remember?

Mr. CURTIS.—In 1910, we had fifteen, I believe.

Commissioner WILLIAMS.—Perhaps it is only fair for me to say that Mr. Curtis' information for this report covers the fiscal year beginning October 1, 1909, and ends September 30, 1910, that is the fiscal year, and the report covers that period.

Chairman WAINWRIGHT.—Now, it is going toward half-past one and the reason we have thought of an adjournment is because some of us want lunch. Are there any others who desire to be heard to-day? We may have to hold another hearing to accommodate everybody here.

Mr. CURTIS.—I am going to ask the head of this Commission—we are thinking of drawing up a bill on those explosions,

I am going to get Judge McDonough working on this for us.

Chairman WAINWRIGHT.—Get it in before the 1st of March.

Mr. M. J. HOROHAN (representing the International Brotherhood of Electrical Workers).—I would like to ask you if there is anything done for linemen working for the different public service corporations?

Chairman WAINWRIGHT.—Yes.

Mr. HOROHAN.—Well, at the present time there is nothing done to protect their lives. Now, in their work, there is no way for a man —

Chairman WAINWRIGHT.—That is just what we are here to hear; what precautions are or should be taken, and what the law should be with regard to that as well as other things. Now you want to speak for linemen.

Mr. HOROHAN.—Yes.

After recess, 2:30 P. M.

Vice-Chairman SEAGER in the chair.

Mr. JOHN RICE (representing the Brotherhood of Carpenters).—Mr. Chairman and gentlemen: I just want to call attention to the particular line of craft which I represent; that is, the machine men. In this particular line of industry I believe it is extra-hazardous work, and I believe you all understand the nature of the work; and while safeguards are used on a number of machines, there are still a number of the machines that we cannot use a safeguard on, and I was requested to come here before the Commission in behalf of the council I represent to place this matter before the Commission and ask them, if possible, to meet with a committee of ours and go to some of these particular shops and have a practical demonstration. We can show the Commission or its representatives wherever the safeguard can be used to an advantage and where it can not be. We want to try to prove, by a practical demonstration, that this particular line of industry should come under the heading of extra-hazardous or dangerous class of work. Now, our statistics show that in the past two years that possibly forty per cent. of our members have been maimed or injured; that very few deaths result from the class of injuries received by the injured, but that the injuries are always diminishing the earning powers of the mechanic because he is losing fingers here or there, or perhaps cutting off a half of finger, or two or three fingers or whatever it may be; there is one particular machine called a variety or phrasing machine; that

is a machine that cannot be safeguarded at any one time because the workman or mechanic must continuously work on that machine without a safeguard being attached because he must work free hand, and that is the most dangerous machine in our line of industry, and I venture to say that at least thirty per cent. of our members have received their injuries through that sort of a machine.

Chairman SEAGER.—What kind of a machine is it?

Mr. RICE.—It is an upright head, and it is used for the purpose of phrasing mouldings for circular work or crooked work, as it cannot be run through a straight line or through a straight moulder or anything of that nature, and it must be done on this particular machine; for instance, that cove upon the ceiling there; that cannot be run through a straight machine and must be done on a phrasing machine, and the natural result is that the mechanic must work on that machine — the most dangerous one in our line — without any safeguard attached, and he is almost at any time in danger of losing his fingers, and I have been asked to come here and take this proposition up with the Commission and have a practical demonstration of this fact and see, if possible, if this particular line of industry cannot be placed on the extra-hazardous list. Now, I would suggest, if it is practicable, that if the Commission or the Commissioner of Labor would meet a committee of ours, we can easily go into any of the shops and by a practical demonstration show where the efficiency of safeguards can be used and where they are practically a hindrance in certain machines, and also show this particular line of machine where no safeguards can be used at all; and I believe we can prove by a practical demonstration that this is certainly one of the most dangerous lines of work that a mechanic can follow. As I said before, it does not result usually in the loss of life, but it is always at all times resulting in an injury to the man's hand, which is especially diminishing his earning powers. Now that is all we ask as a body of men perhaps representing — well, I will say in our organization we have got 2,000 machine hands throughout the State who are affiliated with us and possibly 1,000 more who are not affiliated, and there is between 3,000 and 5,000 men involved in this particular line of work in this trade alone. Now, if this Commission would take this matter under consideration and would at any time like to meet a committee of ours we could very easily and very thoroughly show that by a practical demonstration that this is cer-

certainly a class of work that should come under the head of the extra-hazardous list under the Compensation Law.

Chairman SEAGER.—The difficulty, of course, I think we should appreciate that fact, that there are certain sorts of wood-working work that are highly hazardous, and the difficulty is to specify that kind of work in the law in a way that will shut out the other kinds of woodworking work that are not particularly hazardous. How would you specify that part of your trade that you consider extra-hazardous?

Mr. RICE.—Well, the only way I can specify is this: That the machine men themselves working on this class of industry—it is followed by a particular class of mechanics.

Chairman SEAGER.—The machine man operating woodworking machines only?

Mr. RICE.—Only.

Chairman SEAGER.—You think that would not be too comprehensive, there are no kinds of woodworking machinery that are not safe?

Mr. RICE.—There is not one woodworking machine in existence that is not dangerous to the mechanic handling it. For instance, we found at times, I understood there was a reform going around, that the State inspector or factory inspector had found that our members, or not our members, so to speak, but the mechanic working on a machine, was working without a safeguard on the machine. Now, there are times when the safeguard, as I said before, and we can show it by a practical demonstration, are a hindrance and a menace to the mechanic, where at other times and other classes of work it can be safeguarded. There is also a difference in the class of work, for instance, I may say, I may work on this machine to-day and what we call ripping, I can safeguard the saw, the circular saw, but if I go to work and change that machine to a cross-cutting, I must take that safeguard off because I cannot work with it on, and the natural result is if I am injured while that safeguard is off, then I am accused of working without the safeguard, so you see we are compelled at times to work without the safeguard, and if our members are injured we have no redress, and we can show by a practical demonstration through the fact of a committee going right to the factory.

Chairman SEAGER.—I ought to say, Mr. Rice, that a special committee on the subject has done what you just suggested, not with a committee of your suggestion, but with a factory inspector, and Mr. Williams, or a representative of his department, and others who were able to point out various

dangerous aspects of the industry, and they have been very much impressed with the danger of woodworking machinery; they have investigated, I think, a half a dozen different plants in different parts of the State.

Mr. RICE.—Yes, but, Mr. Chairman, we have no redress at all because the fact is this: It is not being placed on the extra-hazardous list of dangerous occupations, and we are simply an outsider, and we are left out in the cold; what we are trying to do is to get on the extra-hazardous list. As I said before, we have statistics which show that sixty-five per cent. of our members during the past year had met with injuries.

Chairman SEAGER.—Sixty-five per cent?

Mr. RICE.—Sixty-five per cent; we have it in black and white, and have records to show it. The injuries at times are not very serious; they may have meant the loss of half a finger or might have meant severe cuts but these injuries hurt the men to this extent, that it diminishes a man's earning capacity in the future.

Chairman SEAGER.—Well, I think we see your point, Mr. Rice, and we will be very glad to consider it. I will communicate what you state to the Chairman of this Committee, and I am sure, if possible, he will be very glad to meet with your organization and visit some woodworking plant and get the benefit of your advice and recommendations on the spot.

Mr. RICE.—There is another matter, Mr. Chairman, I would like to call attention to. I would like to ask, if the Commission does set any time, and of course the Committee can meet with us, we will be only too glad to show that there are certain safeguards used by the manufacturers which are certainly of no use whatever; take the smaller manufacturer, he probably is not in a position to buy or place a safeguard on his machinery that is really a safeguard, and he uses any old makeshift thing that he can get hold of, and it is usually the case that the men are compelled to work with that, and it is a danger more than a help to him. Now, what we want to do is to show the practical utility of the different safeguards that we can use; we don't care whose it is or what it is, so long as it is a safeguard and not some kind of a makeshift that is being used throughout.

I thank you, and I hope the Commission will take that up.

Mr. JOHN J. O'CONNELL.—I have been appointed by the Plasterers' Council of Greater New York to appear before this Commission to-day, and in reference, as I stated when the Commission was about to

adjourn, that as far as the plasterer is concerned in the building, we are not open to being injured the same as other mechanics. Now, I have had the honor, Mr. Chairman, of representing my district for three consecutive terms in the Assembly, and have had the honor last year when I was there, which was in 1901, of introducing the Employers' Liability Act in the Assembly, in the same year that Senator Dowling introduced it in the Senate. At that time the bill wasn't signed for some reason, but I want to call attention of the Commission to this fact, that in 1899, the Employers' Liability Act was introduced and it met with the same results, that the Governor did not sign the bill, and I believe it went to the Governor at that time; the following year, in 1900, a bill—I introduced a bill in the Assembly—I only want to mention those facts and bring it up before the Commission that the law that has been passed and not enforced for the prevention of men being injured in buildings, and I take this method, Mr. Chairman, of drawing it to the attention of the Commission to-day.

Chairman SEAGER.—What is that law, Mr. O'Connell?

Mr. O'CONNELL.—I want to say that in 1900 a bill I introduced in the Assembly for the protection of life and limb, and I want to say through the good offices of Commissioner Williams, if he remembers, I had quite a talk with him on the matter, and he had this bill attached on a bill that Assemblyman Costello of Oswego County introduced, and he gave me the opportunity of attaching this bill on a labor bill that he introduced; it became a law. That is one of the things, Mr. Chairman, that the plasterers are interested in, and the bill provided that all elevator enclosures, such as we call hod hoisters, and all dangerous openings in buildings should be closed. I want to call the attention of the Commission to the fact that that is the law of the State of New York, but it is not enforced. The provisions of the bill were, for instance, that no carpenters could pass lumber up over the windows over five stories; to-day in the city of New York you can go and you can see carpenters with one leg out over the sill, passing, for instance, flooring or other lumber used for the business, up as far as fifteen or sixteen stories. Now you can go, Mr. Chairman, into any building construction in New York to-day, I will guarantee, without fear of contradiction, that nine buildings out of ten the violations exist. I could state to the Commission, if I had time, a number of men that were injured and killed through this

neglect, and the law says that all openings, such as elevator-hoists and all other dangerous openings should be enclosed. The only place I remember seeing that done is in a building now in the course of erection that I was working on here a couple of weeks ago; they are the only people that I have seen that have acted up to the law, and if that law was enforced, there is many a man's life would be spared in the building line. That is about all I have to say, Mr. Chairman.

Assemblyman VOSS.—Why isn't the law enforced?

Mr. O'CONNELL.—Why, because there ain't anybody to enforce it.

Assemblyman VOSS.—You haven't any objection to the law as it stands; is the question entirely of enforcement?

Mr. O'CONNELL.—Yes. The law is a good law. If Commissioner Williams can recall that law, I think he could help me out better than I could explain it, because I want to state, Mr. Chairman, that Commissioner Williams was the man who spoke to Assemblyman Costello and had this bill attached to his bill; that bill was introduced and passed and signed by the Governor in the session of 1900, but it has never been enforced, and there ain't anybody to enforce it. I knew, Mr. Chairman, a man of my trade that worked on a building downtown here, and he happened to be crossing the hall, the elevator was unguarded, and there was an old batter, half a brick, for instance, in the way; he happened to step on it and instead of falling into the wall he fell down fifteen stories and they picked him up and he left a family of six or eight children; and when the widow sued, why it was neglect on the employee's part and the woman never got a nickel. Now if that was enclosed according to law, that man would have been alive to-day. I could state, Mr. Chairman, a great many cases of that kind that has happened under my own observation. Now all the workingmen, to my idea, want is protection in a building. If a man goes into a building, and through the neglect of those building people he goes down ten or twelve stories and is killed, it doesn't make a bit of difference whether his family gets \$1.00 or not. Life is sweet, we know. My craft has delegated me down here to-day to call the attention of the Commission to the laws that are already enacted to protect life and limb, but nobody to-day enforces the law.

Commissioner WILLIAMS.—Mr. Chairman, Mr. O'Connell has stated the facts quite clearly. I know the provision that he refers to; it is contained in section 20 of the law. I think Mr. O'Connell might have

given the Commission the benefit of his opinion as to the remedy.

Mr. O'CONNELL.—Mr. Chairman, in answer to Commissioner Williams, for whom I have a great deal of respect in dealings of three years and a half, I want to say that anything that I asked him to do in the interest of organized labor he was always willing to lend a hand. The only remedy that I can suggest is the suggestion made by Mr. Snyder, of the Ironworkers, here this morning, that competent inspectors be appointed; I don't know of any other way; that would be about the readiest answer I could make to Commissioner Williams' question.

Chairman SEAGER.—It has been suggested to me, Mr. Williams, that the law is defective in that it fails to specify clearly who is responsible for placing the guards, whether the contractor or the sub-contractor; had that question been brought to your attention?

Commissioner WILLIAMS.—No, it has not, Mr. Chairman. The law reads "All contractors and owners;" that seems to me lays the burden squarely on the shoulders of a responsible party; if the contractor fails to comply with the law, the owner still is responsible.

Chairman SEAGER.—So you feel that you could enforce the law if you had an adequate inspector for it?

Commissioner WILLIAMS.—Oh, I think so.

Mr. COWLES.—We have had this difficulty. We have made a very great effort to enforce that law, regarding it as a very good one, but we have always found difficulty between a contractor, all contractors, and all owners, in the practical working of it, they require the men who put in the elevator to do it, or else the man who does the carpenter work, that has been our experience with him.

Chairman SEAGER.—Have you any suggestion, Mr. Cowles, as to changing the phraseology that would meet that difficulty?

Mr. COWLES.—No, I don't know that I have at the moment. I haven't the exact phraseology in mind, except as Commissioner Williams read it there, but I know that is the practical difficulty; we have observed that thing with unusual care, believing it the source of a great many accidents and we have not had good success with it for that reason, they are always showing it off on somebody else.

Mr. JOHN SCHILLING, JR. (representing Local Union No. 96, International Moulders Union).—Mr. Chairman and gentlemen: On about January 5, a committee of the General Workingmen's Com-

pensation, appeared before the New York State Commission on Employers' Liability, and the prevention of industrial accidents, and supplemented the previous recommendations of the conference for a compensation law with recommendations. The State Commission having considered their recommendations at length, and desiring to secure their views, requested the representatives of the various trades to be represented in joint conference, and asked a number of questions. Now, I represent the Iron Moulders' Union, and I think that it ought to be placed on the list of extra hazardous trades, because our trade is a very complex trade, the nature of our trade is. We not only have a good many mechanical obstacles in our way but we have to overcome a good many of the elements of nature which are not only beyond our control but beyond the control of the metallurgical engineer of to-day. I would like to call attention to some of the points. In answer to your question No. 1, "What are the special dangers of your trade?" would say, the work of foundries and its various branches being of a very complex nature, and conditions so varied in the various shops and localities, that it is a difficult matter at this time to make a comprehensive report covering the subject at such short notice; covering the subject in a general way, we find conditions about as enumerated:

1. The most prevalent dangers are the following diseases: Pulmonary, Bronchia in its various forms, Diphtheria, Rheumatism in its various forms, and Chronic Kidney troubles, causing an unusual high sick list, and mortality. Seventy per cent. of each being due to diseases of the respiratory system.

2. Burns, bruises, sprains and internal injuries. The causes of the first are poorly lighted, ventilated and heated shops. Unsanitary lockers, washing troughs and rooms provided for the men to change clothes, toilets, etc. The majority of the shops have made no provisions at all for these.

The second are caused by lack of space, lack of inspection of mechanical devices used, and improper footwear used by men handling molten metal.

In answer to question No. 2, "What safety devices can you suggest to lessen these dangers?" would say:

1. See that all shops are properly ventilated, heated and lighted to enable the men to proceed with their work in safety.

2. Provide sanitary lockers and washing facilities in clean ventilated, lighted, heated rooms, doing away with the large unsani-

tary troughs, as provided at present in the majority of the shops.

3. To have a thorough inspection, by a competent mechanic of all the appliances in the shop used by molders or chipping room men. That is, to inspect at least once a month the cranes, chains, pawls, pawl bolts and ratchet wheels on drums of hand cranes, ladles, cupolas, furnaces, crucibles, crucible tongs and shanks of all ladles.

Provide large core ovens, with doors that can be opened from inside in case of emergency, also a light of some kind.

Chipping rooms to be well lighted, ventilated and heated.

Rumpling barrels provided with dust exhaust systems, emery wheels to be provided with protectors, safety guards, and dust retainers.

Brush benches provided with dust exhaust systems or hoods.

Men working on sand blast rooms to be provided with protecting helmets.

4. Brass foundries located on upper floors of large buildings or in small shops, be provided with an exhaust or forced draft, ventilating system, in order to carry off the gases and fumes at casting time. To prevent the increase of gas poisoning, generally known as "Spelter Shakes" among the employees, which is in a constant increase. Furnaces, crucibles, tongs, should be regularly inspected; crucibles found defective to be used in heating metals only.

5. In steel and malleable foundries where quick heats are usually taken, extra precaution should be taken, and the implements used in handling the metal and work more rigidly inspected, especially cranes, chains and bottom pour ladles of the steel shops. Also compel them to provide sufficient, wide clean gangways so that the men be enabled to handle the hot metals more safely, also the work. This should apply to all foundries irrespective of the nature of their work, making it a misdemeanor for neglect of same.

6. Let all shops engaged in jobbing work or making large heavy work, provide sufficient floor space, safe crane chains or other devices, to enable the men to handle work with safety, also provide safe means or devices for bracing copes, sections, etc., on the floor.

As gangways are practically unknown in these shops, provisions should be made to see that all floors are clean at casting time, to enable employees to handle the metal rapidly and safe. Making it a misdemeanor for neglect of same.

7. To provide cover for shank ladles to prevent the men from being blinded by the

flare of the metal to enable them to see where they are going.

8. All men handling molten metals should be required to wear gaiters or protecting shoes, as 85 per cent. of the burns received are traceable to lace shoes.

In answer to question No. 3, "What legislation do you advocate to lessen these dangers?" would say:

1. To get well ventilated, lighted and heated shops, giving factory inspectors the strict supervision of same.

2. Make provisions to see that the Sanitary Code, which was passed about 1906-07, is strictly enforced.

3. Make an ordinance compelling the employer to have all mechanical appliances inspected by a competent mechanic, making it a misdemeanor for neglect of doing so.

4. Have brass foundries in small low buildings and on upper floors of large buildings install forced draft ventilating systems, to be used during casting time.

5. Provide all foundries with dust exhaust systems where possible, especially mill rooms, to prevent pulmonary diseases, etc.

In answer to question No. 4, "What in your judgment is the best way to induce employers to adopt proper safeguards against accident?" would say:

1. That in providing safety devices and making a few modern improvements, he increases the earning capacity of the men by relieving them of responsibility, which would soon show itself in the results of the work.

2. He would lessen his own liability to such an extent, so as to be able to trace all accidents, etc., to a direct cause, enabling him to fix the responsibility in the right place, doing away with a good deal of legal proceedings.

In answer to question No. 5, "What in your judgment is the best way to lead working men and women to take proper precautions against accidents?" would say:

1. By notifying the management of their respective shops of any flaws or working parts that are defective in the machines they work on, refusing to work unless immediately repaired.

2. Appointing a committee to see that all mechanical appliances are properly inspected and leave them fill out a date sheet making a report to their organization at the next meeting of same. Give this committee the power to fine any employee who neglects to report any defects in the apparatus used by him, first to the committee, second to the employer, said fines to go to the treasury of the local under

whose jurisdiction the parties involved are working.

3. See that employers post proper notices throughout the shop, cautioning the employees as to the apparent dangers of the machines, apparatus, etc., used by them.

Mr. M. J. HOROHAN (representing the International Brotherhood of Electrical Workers).—I would like to see some laws framed and something done on behalf of the linemen. It is a very dangerous trade, a good many men are killed every year in the State of New York, and we would like to see some laws framed so that we will get proper inspection if nothing else, over the construction department, that is, for outside construction. We don't know just about how we will go to proceed along them lines to get it, because, you understand, no matter what we would suggest it would be entirely up to the powers that be, you know that, but I would like to see the State do something along them lines.

Chairman SEAGER.—You have no concrete suggestions?

Mr. HOROHAN.—No, the only thing is at the present time there is an awful lot of people killed every year.

Chairman SEAGER.—Preventable deaths?

Mr. HOROHAN.—Most undoubtedly.

Chairman SEAGER.—Could you give us an idea, describe some of these accidents?

Mr. HOROHAN.—Well, take a good many of these cases where live wires are running along on pole lines, men have to work on them, and they have no room really to work and the wires are not properly protected and not properly insulated, and it is when a man has to work on them that he is liable to come in contact with something else which will give him a ground connection, and it is the ground connection that kills him; very often you will find where there is a live wire running into some pole with lead covered cables; about eight months ago a young man was killed in New Rochelle, telephone cable, he was standing on the cable and he didn't know that the wire over his head was alive. He slipped and grabbed the wire and that was the end of him, and that is an accidental death according to the Coroner's Jury.

Chairman SEAGER.—You see our difficulty, Mr. Horohan. We really know nothing about the practical details of these industries unless you who are actually in the industry can give us concrete suggestions. It is going to be extremely difficult for us to make recommendations to the Legislature that will be wise to change legislation.

Mr. HOROHAN.—The only thing I could suggest would be that some law be passed to appoint some practical committee or inspection of some kind.

Chairman SEAGER.—The first step would be to have all the accidents reported.

Mr. HOROHAN.—Why, my gracious, you never hear of them, very seldom. Take that New Haven Railroad, they killed about thirty-nine there in about a month or six weeks.

Chairman SEAGER.—Has there been any improvement since the Public Service Commission—that is, are they reported?

Mr. HOROHAN.—I never hear anything about them at all.

Assemblyman VOSS.—With reference to this live wire that caused the death, couldn't that wire have done the service if it had been insulated?

Mr. HOROHAN.—Yes, or if a man knew it was alive when he went up there.

Assemblyman VOSS.—Could you suggest any way that live wires could be distinguished?

Mr. HOROHAN.—I think I could, by different colors, any mark on the pole could tell where that could be guarded. Very frequently telephone wires, where they cross live wires and high tension, they will break down and be charged with live current of that wire and it is carried off perhaps into a house and whenever you hear of a woman picking up a telephone and knocked dead, perhaps a mile or two away, this thing happens.

Assemblyman VOSS.—Probably the only solution is to have them placed underground, as in New York City?

Mr. HOROHAN.—Yes, but I see there are a good many of them overhead yet in New York, the upper end of the city, and in Brooklyn.

Assemblyman VOSS.—They could divide the pole there, a cross tree on the poles, live wire on the one side, and the centre on the other side. I think that could be easily regulated, but as you say, an inspector will do that sort of thing.

Mr. HOROHAN.—I think so; very often it is done by incompetent men, we know that, there is no standard that they will recognize, you can take it up through the country, hire anybody, that will take a chance, you know what the outcome of it is, that some pretty bum work is done some times.

Chairman SEAGER.—I understand that the Public Service Commission is anxious to secure an appropriation specially for the purpose of improving its inspection force and trying to cope with the probable expense in that department.

Mr. HOROHAN.—Well, if they do, at the present time the Public Service Commission of New York haven't got an inspector there that I would call a practical man.

Chairman SEAGER.—What would you do, we are anxious for light?

Mr. HOROHAN.—I would suggest that they put a practical man doing this inspection, they may not be able to pass a Civil Service examination, but they know what's what.

Mr. COTTON.—How can you tell when you got one of them?

Mr. HOROHAN.—You can tell from his experience.

Mr. COTTON.—Under the present Civil Service regulations, is there any difficulty in a practical man getting in line for one of those appointments?

Mr. HOROHAN.—There certainly are. I took one myself for electrician the other day, and I have been thirty years working in the trade and I didn't even get on the list, and I know I am a mechanical man; a man who didn't work five months in the business got the appointment.

Mr. COTTON.—The questions were not of material importance?

Mr. HOROHAN.—They were all technical questions, but they were a lot of things that I had probably forgotten, but I believe that experience should count in all Civil Service examinations.

Mr. MICHAEL J. STANLEY (representing the Inside Ironworkers).—Brother Snyder represented the outside Ironworkers and he told you what we were losing in killed and injured, and I have got a list right here of seventeen killed and injured since the 1st of January, 1910, for the Inside Ironworkers in Greater New York, not in the State. The inside men, that we call the architectural ironworkers, they don't supply them with planks to stand upon, and the majority of them will furnish us with lines, or some people call them ropes, to work with, and we have got to actually pilfer planks from plasterers, and I dare say that plasterers who spoke will bear me out in that, or we have got to pilfer planks from the outside men to stand upon, we have got to do it at our own responsibility, and we have got to stand the abuse from the men we take the planks off of; if we didn't do it somebody else would do it; and, mark you, in that inside work, there is a list of about seventeen that have been killed and injured, some of them permanently disabled, who were not killed, and some of them may be able to work in two or three years, and some may be two or three months, and some may be not at all, he may not be able to do a night man's work at \$1 or \$1.50 a day, and I hold this,

as other men hold here, you must have a practical inspector to inspect these jobs, the scaffolding, and so forth, and the idea of telling a man that the college student theoretically can go out after studying all those books that they give them in college, that he can go on a building and know what is to be done, in my opinion it is utterly impossible, it takes a man who works at the trade to know that something practicable must be done; but I will guarantee that you can't go on a building in the City of New York to-day and find out all the buildings where the men doing the architectural work in New York have planks for building scaffolding for the men who have got to go on the elevator shafting up through the building putting up the walls, putting up windows, and everything else, the fire escapes, you can't find anywhere that the men are furnished with planks; the men have got to pilfer them. Now, I believe that those men should be compelled to furnish scaffolding for the men. Just think, there is a list of seventeen since the 1st day of January, 1910, on the inside work that have been killed that you know nothing about, wouldn't give it a thought, not one of you give it a thought only you might read it in the paper about an ironworker being killed, and you take the presumption that it was a man working on the outside, whereas it is the man on the inside; that is the most dangerous line of work in the tenement house line; he has to pilfer the plank from somebody to have a place to sit on while he drives the holes in the wall for the fire escape, and if we make a protest to the employer he will say, "Well if you don't want to do it, we can get somebody else, and they can get somebody else, because the workingman wants to work, and he will take all risks to get a job; I have been there myself and I know it, I have had jobs put up to me, they would say, "Well, Stanley, if you do not want to do it there are lots in the street that will take your place." We had a man killed the other day and the very man working near him did not know he was killed until he saw him laying down under the car. But if a competent man in all trades pertaining to the building line were appointed an inspector, a man who understood his business in his own class of business, then I dare say he could go to the employer with the authority given to him and say to the employer, "These men must be protected, you must supply scaffolding and lines enough," and he will know how, if he is a mechanical man, with the planking and the lines given to him. Those things, Mr. Chairman, should be taken into consideration, and I am only speaking

from my own line of business, the inside ironworkers, and perhaps there are others in other lines of business just as dangerous if it was only known, and I may say that I have had it to do myself, pilfered planking from the plasterer or the bricklayers for the sake of making some little scaffolding for safety for myself, and there is where I say the practical man has the advantage over the theoretical man every day in the week. I did not come here prepared to say this, but I didn't know what, in fact, the meeting was called for, but when this question came up about the safety of men I wanted you to know that this is a branch of business that has got to be taken into consideration, and if the insurance company, which has been represented here this morning, talking upon this matter, would only go to those employers and say, "Here, we have got to have these men protected with scaffolding and, therefore, that is necessary to protect their lives and to protect us," why, I think it would be a good thing, not alone for the insurance company, but for the workingman, and I guess in the long run for the employers, if they knew enough about it.

Mr. COWLES.—May I ask you a question? What would you do if you were the insurance company and they treated our request just as they treat you—if you don't like the job get off it?

Mr. STANLEY.—I say, that I think the insurance company—it would be to your interest to have these people do that. What I would do in the matter, that I can't answer separately, but I know if I had my will or power I would go to the employer and say, "Here, before you have a bit of work put up there you have got to give men scaffolding here—you have got to safeguard the men." There would be a strike right off if I done that, that I know. I would get all hands, probably three or four men, and they would put in three or four other men to take our places, and if we went to interfere with those men the police would be called upon. Now, you know that ain't right. Now, we are not looking for our own safeguards, we are looking for the safeguard of humanity at large; it ain't my safety as an individual, it is to safeguard all men working in buildings—all men working as mechanics of any kind. I am not speaking for myself or for my organization; all men working in the building trade should be protected, men on the inside as well as on the outside. I think if this Commission would take this into consideration and see that good mechanics are appointed as inspectors, practical workmen who can go there and know on the

instant just the same as this man knows this thing in shorthand, in an instant—knows his business—has worked at it for years; give us those kind of men and I am perfectly satisfied that we will not have 90 per cent. of the men killed that have been killed.

Mr. SNYDER.—May I be permitted to answer the question? If in the event of the insurance company taking up this proposition and they follow the rules, I believe that if the insurance company was to throw them up immediately and leave it absolutely to us to secure some good lawyer and sock a nice verdict of \$25,000 or \$30,000 up their back they would immediately go out of business.

Chairman SEAGER.—Mr. Cowles' difficulty is that another insurance company would take the risk.

Mr. SNYDER.—Yes; that is possible that they would.

Mr. COWLES.—Don't you think that the larger number of ironworkers are insured here in New York?

Mr. SNYDER.—Why, nearly all of them, with the exception of George A. Fuller, who insures themselves, but it is a fact that the inside ironworker, what we call the architectural ironworker working in the elevator places, working on the inside erecting ornamental things, they meet with numerous accidents only for the reason—for instance, a boy of 20 years old, working on the corner of Exchange and Broadway, working in an elevator shaft there, and some of Fuller's men dropped an angle-iron eleven stories—the angle-iron weighed about eighteen pounds—and it cut him on the top of the lip and took every tooth that he had in his mouth—broke his shoulder. There are some that get lawyers to work on the case, but Mr. Hill of the Fuller Company immediately settles for \$3,500. And there is numerous cases every day where a man has got to go to the hospital to find out the condition of a brother—investigate the conditions as to how the accident occurred. I believe in my opinion that the insurance company, if they drew up a set of rules compelling a contractor to comply with them or otherwise increase the insurance, or otherwise form a combination and leave the fellow on the outside, let the law take its course, it would become so expensive with a couple of verdicts of \$15,000 or \$20,000 against him that he would soon realize that it would be easier and cheaper to put planking and give proper protection than it is to pay insurance. I myself have made several complaints to contractors; I have said, "Here, why don't you put planking there?" And they said to me, "What

the hell; I am insured; I can stand for a certain amount of it; over so much of it I have got to pay." They leave it up to the insurance company. This job that I referred to, Hudson and Morton Streets, a man was at least 200 planks shy, and I know him for the last fifteen years, and I went to him and I says, "Kerner, you are shy about 200 planks." "Oh," he says, "the hell; I ain't got the money to buy them." I know that man is worth \$70,000; then I confronted him with the question of the man being in the hospital, and he says, "The insurance people will take care of that; that don't bother me." There are dozens of cases similar to that. I was present a month ago at the Flower Hospital where six of our members were in bed; I went down to St. Vincent's Hospital and there were three more; I went to Bellevue and there was three more in bed there. I dare say fifty members were lying on their backs in different hospitals. I have oftentimes, for the sake of the family and children and wives of these members, tried to see if I could do something for them. The contractor can't do anything; the insurance company tries to get them everything, but it all depends on their circumstances, and they get to consulting a lawyer, and he says you better do this, and it will take you three or four years, you wouldn't get anything if you did sue; we will put you in the way of settling up, and they got them little or nothing. The only solution with this proposition of ours is proper inspectors, men who make them come to the front, and I dare say that at least 90 per cent. of the accidents could be cut down. I have at times made a complaint myself and refused to go on the scaffold — once with one of my own members when he weighed 330 pounds. I was immediately discharged. I knew if I went on that scaffold the lead would go through and I would go too; but on several occasions I made complaints about tools I wouldn't have, and I was immediately discharged.

Mr. STANLEY.—Mr. Chairman, on the thirteenth day of last December, with a membership of over 1,000 members, there were from the first of December to the thirteenth \$461 for sick and injured benefits to our brothers. What do you think of that for thirteen days — \$461? It just happened to come to my mind just now. That is what we had to pay, and if there was a good law enforced, or good inspectors on the job, we might at least have saved \$361 of that \$461.

Mr. CURTIS.—I think I ought to point out — this is a question of where an insurance company has refused to insure an

employer, at least the employer tells me they want 40 per cent. to insure him, that is, the steam driller and helper, and he figures that insurance costs him \$2.50 a day, and instead of paying the insurance — what he claims is insurance — he is paying and getting safety devices for the men. As soon as a company finds out that the insurance company won't insure him any more, he takes all precautions, and the men are inspected before they go to work in the morning, and his work is very satisfactory, and if they do that, the work would be better without the insurance companies.

Mr. COWLES.—I would like to say on general information that the gentleman must be mistaken; I don't know of any insurance company receiving more than 40 per cent.; and with regard to his statement that without insurance these risks are better off, I would like to call his attention to the fact that there is no material for distributing loss except through insurance, and for an individual employer to do that would be ruinous, I don't care how big he is. There is nothing within the organization of a corporation that would take care of losses except the principal of insurance, and while undoubtedly it works out, as Mr. Stanley stated, a certain degree of carelessness — the point I tried to make is that the insurance company is just in the same place as the workman is. We have thousands of policies, the very thing that Mr. Stanley speaks of, and Mr. Snyder, where they say to us if you don't like the way we do the work go out and we will go elsewhere.

Mr. STANLEY.—And we get that so often that we get immune to it.

Mr. J. T. CLARKE.—I won't take up your time, but I will leave some data that I collected for the Legislature out in other States requiring that all elevators be equipped with safety appliances, also a statement from the Department of Public Safety from the City of Philadelphia, to the effect that they had no elevator accidents there where the elevators are equipped with proper safety appliances. Then there is a list taken from the coroner's office in New York, containing a list of names of hundreds of people killed in elevator accidents here.

Chairman SEAGER.—All those accidents due to the lack of safety appliances you speak of, Mr. Clarke?

Mr. CLARKE.—Yes, sir; that is, the majority — part of them — perhaps 99 per cent. of them. Then there is a copy of the law in the State of Pennsylvania; then there is a letter from Samuel Gompers, president of the American Federation of Labor, showing his interest; also a state-

ment from the State inspector of buildings of Rhode Island, in which he says that it has proved to be beneficial in reducing to a minimum the elevator accidents that are preventable; then there is a list of accidents in hotels and apartment houses, taken from the list of the Fidelity and Casualty Company only, which is one of about thirty casualty companies, showing a list of hundreds of accidents, and also a statement where four people have been killed by a single elevator here in four separate accidents, all of them, I think, were employees; then there is a list showing hundreds of accidents that were reported by one casualty company in one month; there is also a statement from Mr. Frank Morrison, secretary of the American Federation of Labor, showing the interest of that organization in this question; also a copy of a bill introduced by United States Senator Gallinger at Washington, where the matter is before Congress at this time, and a copy of the Rhode Island Law which requires that the State building inspector see that elevators are equipped with proper safety appliances to prevent the starting of the car in either direction until the door or doors opening into the elevator shaft are closed—it also has reference to any other safety appliance. Here is a newspaper clipping showing that no class of people are immune from elevator accidents—employees, millionaires, pork packers and lawyers.

Chairman SEAGER.—In how many States in the Union is that law in force at the present time?

Mr. CLARKE.—Well, there is a law in Pennsylvania that has been there since 1895, requiring that all elevators carrying passengers be equipped with proper safety appliances which would prevent the starting of the car while any door into the shaft is open.

Chairman SEAGER.—Is that law also in force in Rhode Island?

Mr. CLARKE.—Yes, sir.

Chairman SEAGER.—Those are the only two States that have any such law?

Mr. CLARKE.—The only ones that I know of, but in the State of Massachusetts they have what is known as the Massachusetts State Police, who have charge of the inspection of factories, and the Commissioner has the authority to make rules which require the use of safety appliances. I believe that in New York the State Labor Commission and the State Factory Inspector have not that authority, yet the annual report of Commissioner Williams shows that there is about 400 elevator accidents in the factories in the State of New York; about 100 are either killed or permanently disabled out of

that number, and yet I don't think any authority has been given him to require that the elevators be equipped with safety appliances. I will be glad to furnish the Commission some further data that I have. I have had such short notice that I didn't have time to gather it all up, and I think that perhaps the Director of the American Museum of Safety, and Mr. Louis B. Schramm, of the National Civic Federation, will also be able to furnish you additional information; also Mr. John B. Andrews, of the American Association of Labor Legislation; I know they had this matter up and are very much interested in it.

Chairman SEAGER.—Any one who would like to ask any questions? Mr. Clarke, these automatic appliances that you speak of are to be had inexpensively?

Mr. CLARKE.—Well, there are, perhaps, I would say a great deal more kinds of safety appliances, all of which have some merit, some more than others, but in the City of Philadelphia, where they are required upon all elevators there, they have, perhaps, ten different systems installed there, and where, as you will notice from the report of the Department of Public Safety, there are no accidents there which were due to safety appliances. In this building where you are now, they have spent thousands of dollars equipping their elevators with safety appliances just so that people will not be hurt in elevator accidents. Take it in the Atlantic Insurance Building, after they killed two men, they had Theodore Starrett, of Thompson & Starrett, equip their elevators with safety appliances, and the president of the Atlantic Insurance Company is a director in one of the largest casualty companies there is. Mr. Cowles, the manager of the liability department of the great Travelers' Insurance Company, has got data which would be interesting to your Commission in the matter of elevator accidents.

Assemblyman Voss.—We will be glad to have that Mr. Cowles.

Mr. COWLES.—Well, I haven't it with me. I don't exactly know what Mr. Clarke means; I presume he means the general experience with the cost of elevator insurance, which I will say has been very expensive.

Assemblyman Voss.—There is no doubt that there are many of these devices in existence, and they ought to be placed in buildings.

Mr. COWLES.—There are many excellent devices, and many not so; just as Mr. Clarke says, it depends on whether it works or not, because people depend on the device—the operator is prone to depend on it.

Mr. CLARKE.—As to the merit of the devices that have been approved of by the Department of Public Safety of the City of Philadelphia, their records there show that the legislation was most meritorious, and their signed statement to the effect that they have no accidents upon elevators that are equipped speaks for itself, and the same as to the State inspector of Rhode Island, where the law has been in force for a number of years.

Mr. LAW.—Mr. Chairman, I would just like to say in connection with the matter of safety devices for elevators that we find that in our experience that it is inadvisable to equip cars with any device that takes the car out of the absolute control of the operator, and we think that that would be found to be the universal experience. Locking devices are not a good thing, in our experience.

Mr. CLARKE.—I would like to ask the gentleman as to what his experience has been. I would like him to answer the question, and then I will tell him why.

Mr. LAW.—I think, Mr. Chairman, having gone on record that that is quite sufficient at this time.

Mr. CLARKE.—I will say to him that the reference made in one of the lists of accidents that I have placed there with this Commission is upon an elevator that was insured by the company that Mr. Law represents, and it has wiped out four lives in less than six years, and there is litigation on now in the last one that was killed here just a few months ago, and the statement made by one of the officials of the company that he represents, so he says, we have to have elevator accidents, or people will not take our insurance and pay the premiums, one of the coldest blooded propositions that was ever made by a corporation with any means. I want to say that the Travelers' Insurance Company don't think of it in that way; all of their officers have been anxious to have safety devices placed on elevators.

Mr. COWLES.—Mr. Chairman, I crave the indulgence of the Committee, just long enough to say that we are absolutely in accord with Mr. Law. I had suggested to Mr. Clarke, and I had hoped that Mr. Law would say that he had probably had more experience than any other underwriter in New York. If you take the automatic stop and the operator uses that in place of his hands, if that stop is shifted a little bit, down goes your elevator. I heard a little while ago of an elevator, an electric elevator, that couldn't get started until the door was closed; there was a boy standing in a salesroom with one foot in the elevator

and he put his thumb into the little pocket and made the electric connection and up went the elevator; he depended on the safety device and had not shut off his current. Mr. Law is right, and Mr. Clarke is right; they are both right, but not in the same direction.

Assemblyman VOSS.—Don't you think that some device ought to be placed on elevators so that the method, the operation at the present time, which is almost 90 per cent. out of 100 occasions to close the door at the same time; there isn't an elevator in New York that that doesn't happen 99 times out of 100, the operator has his hand on the lever and the car is rising before he closes the door, and something ought to be done to stop that.

Mr. COWLES.—The operator, when he opens the door, the car stops; he don't change his lever at all, he works it with the door, he operates it with the door entirely.

Assemblyman VOSS.—You mean with the safety device?

Mr. COWLES.—Yes, he operates it with the door.

Assemblyman VOSS.—I don't know anything about the safety device.

Mr. COWLES.—I think Mr. Gilmour will tell you that the Travelers' Insurance Company do not approve of this safety device as being at all an efficient safety device. Am I right, Mr. Gilmour?

Mr. GILMOUR.—You are right.

Mr. CLARKE.—I think perhaps I can shed a little light on this subject. What Mr. Cowles is speaking of is known as the opening and closing door device, it is not a safety device at all; it just relieves the operator from closing and opening the door, and is operated by compressed air, so that would have nothing to do with the safety device feature. Now, I would say this, that the president of the Atlantic Insurance Company that has equipped their elevators in their magnificent office building with automatic safety appliances at an expense of over \$2,000 was done after they killed two men in the building, and this same man is a director in the Fidelity and Casualty Company, which Mr. Law represents, so his experience was and has been for nearly two years, that the safety devices at least protect them from killing anybody or hurting anybody in their elevators.

Mr. JAMES L. GERNON (President of the Joint Labor Conference on Workmen's Compensation).—I have been listening with considerable interest to Mr. Cowles' statement of the power that may be given to the insurance company.

Having had considerable experience in the field of labor and construction work, I can readily understand how the insurance companies cannot get much result from their suggestions; that is, such things as the inspectors find is necessary to call to the attention of employers. It is a marvelous thing, you can go through the industrial plants of this State or any other State, and even where you find them managed by very competent men. The condition, the mechanical condition of buildings, is a disgrace to any man who calls himself a mechanical engineer. There is no question about that. You will never accomplish anything in this work by suggestions; that doesn't fill the bill; if the suggestions were backed up by power and law, if there was some penalty, why there would be something done. Mr. Cowles suggested that it might be a good idea to discontinue the insurance. If that was done, what would become of the poor unfortunate that was injured? He might be injured three minutes after the insurance was discontinued, and the unfortunate workman would find that he was working for a bankrupt concern and there would not be much chance for his family to recover.

Mr. COWLES.—That would only be true in rare instances.

Mr. GERNON.—That might be; of course, we believe — Mr. Cowles has not had the advantage of our suggestions, but we will accomplish, if we had our way, we would accomplish just what we say. I say that the Commissioner of Labor must have power to make such rules and regulations, call them general places of industry, but they might have to be specified in certain industries, and that they have the power to strike out certain devices. Now, we don't believe that, after our study of this thing we have heard practically everything that has been suggested here to-day time and time again, and we don't believe you can write up a law; we don't believe you can do it, and we don't believe anybody else in the State can do it; enumerate each kind of device. As it is true, there are many devices for each machine; some of them are good and some are no good, so it seems to us that if someone was given power, they could go through the factories and get practical illustrations. It would not be a very difficult matter for the Commissioner of Labor in consultation with the Commission in that industry and with the employers and consider it practically from his point of view. There can be worked up certain devices in that particular industry that could guard against accident, and first

of all, we think that the State should find out what the accidents are; they don't know it to-day, the insurance company won't tell anybody what their experience is. We find, when we study the rates under this proposed new compensation act, and we take the experience of the European countries, we see that there must be some reason why so many insurance companies start, which makes it impracticable for anyone to say that we will no longer carry a risk, another company carries the risk, and if these 20 odd companies refuse to carry it, why there would be a new company spring up, because the business seems to be profitable, at least that has been our experience. Now, we don't claim to know anything about the insurance business, and we couldn't swear under oath that it is profitable, but we believe that if our plan is carried out that it will meet all the requirements that the insurance companies want. We will be able to take hold of this thing in a practical way; certainly it should be welcomed by the manufacturer, because if it is carried out and it is successful, it will mean a reduction of the cost of carrying this liability, and we all agree that the prevention of accidents is much better than any compensation, no matter how large it might be. I can say for the New York Conference that we think that the question of the prevention of industrial accidents is the greatest question of all. It will never be accomplished, even if after you have the most perfect law, and a large force of inspectors. Now, this commission asked me some time ago how many inspectors they should have in New York and I said 300, and I know some people thought that was an excessive number, but I was very much interested to find out to-day that the insurance men say that there are some 300 to 400 men in this State who are doing the work of the insurance companies alone, while the State Department has about one-eighth of that number, so that this thing will never be practically handled until the State of New York makes up its mind that it will cost a few dollars to prevent industrial accidents.

Mr. COWLES.—I would like to correct the gentleman in his statement that the liability insurance is profitable; there are some 25 presidents and secretaries who have sworn that it is not.

Mr. GERNON.—I realize that. We do know, and I have seen the figures, and I presume other people have, that the rates of compensation in England do not justify some of the rates we have heard about. I want to say this, that I did not understand that this plan of the

insurance companies' inspectors was to wipe out the state inspectors. In our proposition we suggest that all accidents be reported, not only by a manufacturer, but by the men in the industry, by the hospitals and the physicians, and so on, and we were going to include that by insurance companies, but we realize that insurance companies are always talking about the interference of the state laws, so we thought we would leave them out, but it would be a good thing to include them. We would then probably arrive at the fact that if we had an ideal condition of reporting accidents in the state, it would be a very easy matter to estimate the cost. I might add further that as far as the commission is concerned, we don't believe in insurance companies as an ideal; we believe that under its present system, the only thing to protect the man and to protect the employer is to protect the laws. If we had our way, we would make it a state insurance, so the cost would be equally distributed in each instance.

Chairman SEAGER.—Is there any other gentleman?

Mr. GATY.—I would like to ask Mr. Gernon a question as to whether he has compared in similar industries in this country with the same industries in Europe, the fatalities and non-fatal accidents, if he doesn't find that they are two to three times greater than in Europe.

Mr. GERNON.—Well, Mr. Chairman, we know that. We can't compare them; no man in this room or in this country can compare them, because in this country we don't get the figures.

Mr. GATY.—The insurance companies do.

Mr. GERNON.—Yes, the insurance companies know more about it than any one else. One of the investigators of this commission last year investigated the accidents to the people brought to Bellevue Hospital, and he came into my house afterwards and asked me if I could help him once in a while and I said I would, and he said that he couldn't understand why so many people were in the hospital and not so many reported, but the contractors would sooner call a carriage and have them taken to the hospital in a carriage than in an ambulance, so that even the insurance companies probably would not know all the accidents that did happen.

Chairman SEAGER.—Is there any other gentleman that wishes to be heard?

Mr. Williams would like to make a statement.

Commissioner WILLIAMS.—Mr. Chairman and gentlemen of the commission:

I have listened with a great deal of interest to what has been said here regarding the need of inspection with particular reference to the subject of safety in building construction, but I don't think that any one of the speakers advanced a concrete proposition regarding the method of improving inspection. The Labor Law divides the responsibility, as was clearly intimated. It is placed in the first instance upon the chief officer in any city charged with the enforcement of building laws, and in addition, the duty devolves on the Commissioner of Labor; the Commissioner of Labor, his course is prescribed in section 21, and he is directed to investigate complaints made to him of violations. Our force is limited, as everyone here knows. We have 50 inspectors in the Bureau of Factory Inspection, not all of whom are qualified for this kind of work, for ten are women; therefore, our effective field force, assuming that all the remainder of our force qualified, is reduced to 40, and we have a very large number of manufacturing establishments that must be inspected; that duty is the primary duty, this duty of enforcing the provisions of this law relating to safety on buildings is incidental. Now, it seems to me that it would be advisable to change section 20 and either place the sole duty or responsibility upon the building bureau or department or upon the State Department of Labor, or upon some other department yet to be created; if it is desirable that the Department of Labor, the State Department of Labor, be clothed with authority, it should be given sufficient equipment to enable it to perform the services. If that is done, may I suggest that the insurance companies, when they fail to secure compliance with their suggestions in so far as the suggestions which they make fall within the provisions of the Labor Law, they could immediately advise the department of labor of the conditions and it could then start the machinery in operation that would compel compliance. It seems to me that, in addition to the change which I suggest of placing the responsibility definitely upon one or the other of these agencies, that in addition to that, the Penal Law might be amended so as to provide for a more definite, or rather a more adequate penalty. Personally, I don't think that a penalty amounting to a fine of \$25 minimum and a maximum of \$200 is enough for any person or corporation that deliberately endangers life or limb of its employees. I think that the penalty in the case of a corporation should be largely increased and in the case of an individual,

that it should be imprisonment. Take away the man's liberty if he violates this law, and I think you will get better results. I did intend to make a remark this morning while I was listening to Mr. Snyder, the thought came to me that I should say what I am about to say now. Accidents have happened, men have fallen from the upper stories clear through to the cellars and have lost their lives by reason of the failure of the contractor or person responsible for the building construction to comply with these requirements. Failure to comply with the requirements of the Labor Law is a misdemeanor under the Penal Law. Has this violation ever been brought to the Prosecuting Attorney of the County of New York or of any other county?

Mr. SNYDER.—Not to my knowledge, if the commissioner desires an answer.

Commissioner WILLIAMS.—The fact that a person falls through the upper story down to the ground is in itself conclusive proof of a violation of the law; it proves beyond peradventure that the Penal Law of the State has been violated; in other words, that some one is guilty of a crime, and I think if some steps were taken to bring these crimes to the attention of the prosecuting attorneys of the various counties that we may perhaps be able to secure better results and safer conditions upon these buildings.

Mr. SNYDER.—For the benefit of the Commissioner I might say when the Gimbel Building was in course of construction that one of our members, through the inability of the contractor on the premises in complying with the law, one of our members met with an accident and went clear to the cellar; as I stated before, in my investigation I couldn't get any satisfaction, and I threatened that I would proceed in a criminal line against the company. Of course the conditions at that time prevented my doing so; the superintendent on the job saw that I was pretty much put out about the loss of this member, because I had known this fellow for years personally, and he took me aside and he says, "Here, Snyder, what's the use; you can't clear it up in that way; these things are liable to happen; that is the condition of things." He started to use the usual salve, and he says, "Now, I will guarantee that there will be enough planks on the job to-morrow." The next morning there was 350 new planks hired for the job. I then went to the inspector and I told the inspector; I accused the inspector of being responsible for the man's death. I asked him for a few pointers. He told me that

he would absolutely refuse to give it to me. I said to him, "I'll try to get you yet," and he says, "You will have a hell of a swell time with that institution on Fourteenth street behind me." That is the way that thing works.

Chairman SEAGER.—I think you told us that in one part of it it worked very well.

Mr. SNYDER.—As far as the Penal Law is concerned, it only calls for a fine of \$25 and not exceeding \$200. They would cough up \$25 a day if the thing occurred. But if you get the fine up to nothing less than \$1,000 or may be for the second and third offense imprisonment —

Commissioner WILLIAMS.—But you can't imprison a corporation.

Mr. SNYDER.—No; you can't imprison a corporation.

Mr. CURTIS.—I just want to say to the Commissioner that I have taken this thing up three or four times to try to get a conviction. We had a case before Coroner Schrady, where a man was supposed to be examined to go into compressed air work; this man we proved had an abscess on his neck, and before he got half way down in the locker he died, and we proved that absolutely in the coroner's inquest, and all we got was the censure of the company. Now, we could take that up, if we want to, and spend a lot of money, but we didn't know that the authorities were satisfied. There are other cases where men have been killed in the city of New York by blasts, and no matter how a man is killed in our industry, in previous years, it has been claimed that it was premature. If a man was killed through the carelessness of the man, it was premature. Now, we had an accident here where a man's hand was cut off with a blast; he was in the cut working; the blast was fired without giving the man time to get out of the way, and we tried to get the foreman that was on that work, and we couldn't do it. It was a premature blast—they brought it up in court. I saw that the man had no chance if any suit was brought, and he is walking around to-day with a hand off—cut a hand clean off, trying to get out of the way of the blast. So, as far as the authorities are concerned, we get very little consideration.

Mr. STANLEY.—For the benefit of Brother Williams, just like Mr. Curtis remarked, we get no satisfaction; consequently the working man has been so disgusted that he goes and hires a lawyer of his own, and if he hasn't enough money to hire a good one, the insurance company puts up a lawyer, a first class one against the man he has hired, and he invariably

loses his case, so there must be something done to protect the labor man in some manner, shape or form. Mr. Williams is already aware of that fact, the same as I am, that men, labor men, don't get the same justice in my opinion, that the employer gets.

Chairman SEAGER.— Before adjourning this hearing of the Commission I want to announce that we are to hold another hearing in Buffalo on Friday of this week. Friday, February 24th, at 10 o'clock, in the Council Chamber. We will hold a third hearing in Rochester on Saturday, and a

fourth hearing in Utica on Monday. If any of you gentlemen come from that part of the State, we will be very glad to see you at any one of these cities.

I want to express the appreciation of the Commission for the very helpful evidence that many of you have presented to us this morning and this afternoon, and it will receive our careful consideration, and I hope that we will be able to make some recommendations from them that will be of some benefit to the State.

Whereupon, at 4:26 P. M., the meeting adjourned.

HEARING OF EMPLOYERS' LIABILITY COMMISSION AT BUFFALO, IN THE HOTEL
STADTLER.

February 24, 1911.

Present: Senator J. MAYHEW WAINWRIGHT, *Chairman*.
Senator FRANK C. PLATT.
Assemblyman C. W. PHILLIPS.
ALFRED D. LOWE.
HENRY R. SEAGER.
GEORGE W. SMITH.
EDWARD D. JACKSON.

Chairman WAINWRIGHT.—This is a meeting of the State Commission on Employers' Liability, causes and prevention of industrial accidents, unemployment, and the lack of farm labor, constituted by the Legislature of 1909. This hearing has been called to consider solely the question of causes and prevention of industrial accidents. You may recall the fact that the Commission has already reported upon the question of Employers' Liability, and that upon its report certain legislation was enacted at the last session of the Legislature. This meeting has been called for the purpose of affording employers and employees in this industrial center the opportunity of appearing before us, and giving us their views as to what may be done by law or through State or public agencies to make safer conditions of employment in the industrial occupations of the State. We are here to receive light on this subject, both from employers and employees. We are here to afford you an opportunity to express your views to us, and we feel that we will receive here as in other places considerable valuable information and suggestions. Invitations were sent out to a list of employers and organizations of employees furnished to us by the State Commissioner of Labor, including some hundred corporations, firms and individuals, and practically all the "locals" as we understand it. We have had a number of responses to these invitations. Unfortunately the Commissioner does not happen to be here at this moment. He has my list, and I think we had better not wait for him, as time is precious, and we only devote one day to the hearing here. I assume that the gentlemen we see before us are some of those who have written us. I am also aware of the fact that there is a committee of builders of Buffalo here present, and although no special invitation was extended to them we shall be glad to hear from them, before we get through the day's proceedings.

JAMES CARTER (Secretary of the Builders' Exchange.)—The Builders' Exchange

has had no official notice of this meeting. The Builders' Exchange, as representing the building fraternity do feel that they might be able to confer with you on these matters and give you certain practical experiences that would be of value to you. We have no counsel, we have no outlined plan; we have about eight or ten builders, representing painters, decorators, general contractors, and the like. If the Commission desires to place any of these gentlemen on the stand and ask practical questions of them, I can speak for them, and say they will be glad to give you the benefit of their experience. We assume practically the same position as we did a year ago, when you asked us to give you our ideas on liability insurance. We had not any then, but we have a lot of them now. We realize that the question is closed, and it is not our purpose to say anything on that question. But on the question of causes and prevention of accidents we feel that we don't know what to offer, we don't know what the Commission is after. We might recite illustrations showing where certain men are injured, because of their own negligence, and where men have been injured because of the negligence of the contractor. Other illustrations of where they have been injured because of the usual and natural risk associated with building construction, and we rather infer that that is the class of detailed information the Commission is after. We say again that the Builders' Exchange, representing the building fraternity of Buffalo will be very glad to have the Commission command and cause us to appear before you, and will be glad to assist in any way we can. Our purpose is to express our greetings and good will.

Mr. F. O. ANDERSON (Furniture Manufacturer of Jamestown).—I represent no one except my own factory (Empire Furniture Company) employing about 200 men. The following named persons also desired to have their names noted as appearing for themselves or for corporations with which they were connected:

FRANK AGGY, employing about six hundred men.

GEORGE BRADSHAW, assistant to the claims attorney of the New York Central and Hudson River Railroad.

T. F. HILDRETH, representing United States Castiron and Foundry Company, of Buffalo.

C. H. JENKINSON, Linde Air Products Company.

Representing Unions.

E. R. ROCHE, representing the Pattern Makers of Dunkirk.

F. C. BOLAND, representing Blacksmiths and Helpers of Buffalo.

PETER SCHWARTZ, representing Molders of Buffalo District.

WM. KENNEDY, President Bricklayers' Union of Buffalo.

FRED OSBORNE, Molders' Union, No. 84.

F. O. ANDERSON.

By Chairman WAINWRIGHT:

Q. Mr. Anderson you are conducting a furniture manufacturing business? A. Yes, sir.

Q. And you are aware of the purpose for which this Commission is organized? A. I am.

Q. And the subject of its inquiry? A. Yes, sir.

Q. Have you got anything to tell us as to the causes of accidents in your industry; as to what in your judgment are the reasons why accidents occur? A. This is a pretty hard question to answer, the causes are so many and so different; mostly due to carelessness on the part of the employees, most of it has been due to such causes; sometimes defective machinery it might be. Largely due to the carelessness of the men operating the machines.

Q. What kind of machinery do you have in your factory? A. Saws, planers, sanders, and all kinds of machinery used in such a plant.

Q. You use the shafting and belting or individual motor? A. Shafting and belting.

Q. Do you make any effort to guard your saws? A. We do. We guard all our saws. But we do find that generally the men will remove those guards.

Q. What do you do when they remove them? A. We tell them to put them back again, and we find them moved again and again. A man was brought up in police court on complaint of an inspector because he removed the guards in the machine.

Q. What happened in that case? A. I don't remember; I could not tell you. I

don't think it was a matter of prosecution.

Q. Did you ever discharge a man for failing to use a guard? A. No, we have not.

Q. You think that would be an effective means of securing the use of guards? A. Yes, you might, but you would lose all your men. They are hard enough to get anyway.

Q. You don't think the men would stand for that? A. Hardly, no.

Q. Have you any recommendations to make as to what the law should provide with regard to the use of guards in your industry; for safety generally? A. I don't know how anything more could be done than has been done by law along that line. The law now provides that all machinery cogs, and gears and moving parts shall be guarded.

Q. Have you any recommendations to make as to inspection of equipments of factories now? A. I have not.

Q. Do you think you get enough inspections? A. If I should recommend anything I should recommend more efficient inspection; inspection by people that knew more about it, more reasonable inspection.

Q. What do you mean by that; that the men at present, inspectors, that you have come into contact with are not competent for their work? A. That would be a pretty broad statement, but I have seen recommendations made that were very immaterial, and I also have seen places where recommendations could be made for the betterment and protection that has never been mentioned at all.

Q. Can you specify about that at all? A. I would not care to, Mr. Chairman. I will say though that I think the inspections of factories in our city have been more efficient in the last five years than before. If I remember right, I think we had at one time a lady as a factory inspector up there.

By Mr. PHILLIPS:

Mr. Anderson, what kind of saws do you have in your factory? A. Band and circular saws.

Q. And your band saws are guarded? A. As much as they can be guarded.

Q. What kind of guards do you use? A. The right.

Q. What shape is that? How much of the saw does it cover? A. Every thing except the teeth.

Q. Is it a wood box enclosing the entire saw? A. The wheel itself covers the saw.

Q. The entire wheel is covered? A. No.

Q. That which comes opposite the man's head? A. No that is wood.

Q. That is not covered? A. No.

Q. I suppose you have seen factories where that wheel is entirely covered? A. I have not.

Q. Many factories we have been in we have found those wheels entirely covered with a box. A. I have never seen any.

Q. What accidents have you had there in the last two or three years? A. We haven't had any accidents except minor accidents. A man might get his nail cut or something.

Q. I suppose you have seen some factories in which belting and shafting has been done away with, and they have motors? A. I have, yes, sir.

Q. That, of course, you feel is a safer way to operate? A. Yes, sir.

Q. Have you made any figures as to the relative cost of changing your system? A. I have not.

Q. Do you feel that it is much safer to do away with belting and shafting? A. I don't think there is any question about that.

Q. In the last four years there has been about four thousand accidents due to shafting, belting and pulleys in factories.

Q. Do the men still refuse to use the guard in your factory? A. Not as much as they used to. In the last two years the conditions have been better.

Q. They are being educated as to the use of guards? A. Yes, sir.

Q. Do you feel there is any uncertainty as to guards as to whether they make for safety or not? A. On certain machines some men claim they are more liable to accidents with the guards on than with the guards off.

Q. What machines? A. These small rip saws where the saw protrudes through the table a half inch, where the saw will cut only about one-eighth of an inch.

Q. Do you think there has been an increase in the last five years in the efficiency of the inspection of the Labor Department? A. I think so.

Q. You think that it has steadily improved? A. I hope so.

Q. Do you think so? A. I could not tell you.

Q. Do you think there ought to be more inspectors? A. I don't think so, but I think the inspector is commencing to realize his position more than he did.

By Commissioner WILLIAMS:

Q. Mr. Anderson you have just said that some of your men state that the guards on rip saws are apt to cause accidents; in what way? A. Well, because when they shove the end down to follow the piece through if they happen to push the guard with the

hand they might get their hand on to the saw. That is, the guard is in the way to some extent.

Q. But in order to be cut they would have to lift the guard from the saw, would they not? A. Not necessarily, no. There must be an open cutting part some place on a saw. If you guard it all around you can't use the saw. There must be some part of that saw exposed in order to get it away.

Q. Very true, but a guard that permits the operatives hand to come into contact with the saw is not a guard, is it? A. It is, sir. You see you have rip, Mr. Commissioner, right through here, and you shove a piece through it. Supposing your "rip" is two inches thick. There must be a space between the guard and the table of two inches where you can shove this lumber through.

Q. But if the guard is properly constructed, after the piece passes under the point of the guard ought to drop on the table and prevent the hand from following? A. The guard should drop on the table?

Q. Yes. A. I have never seen such a guard.

Q. There are such guards? A. I have never heard of them. And I don't think they would be practical, unless you wanted to reduce your output or efficiency fifty per cent.

Q. This is an automatic saw? A. Yes, self-feeding saws.

By Mr. WILLIAMS:

Q. Mr. Chairman, I was interested in a remark made by Mr. Anderson when he spoke of the inspection force. He intimated that he thought we might have more reasonable inspection. That, by implication at least, says that some of the inspection given to-day is unreasonable. A. I did not use that word, Mr. Commissioner.

Q. Not "unreasonable" but you did say that we have more reasonable inspection. A. Did I not say more efficient?

Q. You used both terms. As one who is more or less responsible for the inspection, I am particularly interested in that. I am anxious to know wherein our inspection is deficient, and I would like to have Mr. Anderson elucidate a little upon that point.

By Chairman WAINWRIGHT:

Q. Mr. Anderson, tell us frankly, what in your judgment, are the points in which the system of inspection is lacking? A. I only have to repeat what I said before, Mr. Commissioner. That in times past, I don't say within the last five years, but I say there

was a time when the inspection was inefficient, because recommendations would be made of certain parts of machines absolutely necessary, great insistence, and making them less efficient, and then it would be very positive, and other machines more hazardous and more dangerous overlooked entirely.

Q. That was rather a matter of past history? A. Yes, sir.

Q. You do not find that the condition exists within the last five years? A. Much better now.

Q. Does that condition exist under Commissioner Williams? A. I have not said so. I don't know.

Q. Can you specify any order issued to you by the department that you consider unnecessary or unreasonable? A. I don't think so within the last five years.

Q. Can you refer to any danger that ought to receive some suggestions from the department? A. I have told the deputy inspector, whoever he is, I have forgotten, several times that anytime that he could suggest what we could do to safeguard our men we would do it. I don't remember any particular case now where he has been negligent.

By Mr. PHILLIPS:

Q. One thing, Mr. Anderson. Of course the Labor Department is limited in the number of its employees. Do you think that it would be a help to the manufacturers if in the Labor Department there was a bureau whose sole duty it was to answer inquiries for manufacturers as to what are the different kinds of guards that may be used on different machines, and to whom manufacturers can go to learn the progress of inventions and safety appliances and get aid from them? A. I think if this bureau would compile a catalogue showing the different devices of safeguards used on different kinds of machines, and publish such a catalogue and send it to employers of labor, special factories, and as new devices were invented issue an additional pamphlet and keep these different manufacturers supplied with this information it would be a great help. Mr. Williams stated that he knows a guard to protect a rip saw from falling down. If there is such a guard I want to know of it.

Q. You think such a bureau would be of use? A. I do.

Q. Are you familiar with the museums of safety on the other side? A. Across the ocean?

Q. Yes, sir, museums where they exhibit possible ways of guarding different kinds of machines. A. No, sir.

Q. Have you heard of the private museum established in the city of New York? A. No, sir.

By Mr. SEAGER:

Q. I would like to ask whether in your factory your men work under the piece work plan or whether you pay day wages? In reference to this removal of guards, it has been brought to our attention that under the piece system it is rather a temptation to move guards. A. All our machinery work is day wages. The only piece work we have is finishing and cabinet work.

Q. That would be in explanation? A. There is no machinery along that line at all.

By Mr. PHILLIPS:

Q. Do you have any trouble with keeping your floors clean of debris? A. We keep them absolutely clean.

Q. Do you have somebody whose duty it is to do that? A. No, every man keeps his floors clean.

Q. In some shops where they work on piece work there is some indifference on the part of the men because they are interested in the amount of work they do? A. These things are all taken care of in chutes and boxes and so on.

By Mr. SEAGER:

Q. Do you have any special provision to prevent slipping near the machines — cleats, etc.? A. We have not.

Q. Ever try that? A. Sometimes the boys themselves will nail a piece of rubber belting on the floor in front of some of the machines where they have to use bodily force to shove a piece through the machine.

Q. That is rather common? A. I know of no such place in our mill.

By Assemblyman PHILLIPS:

Q. Is your power electric or steam? A. Steam.

Q. So that you could not put in separate motors with your power anyway? A. For your information, Mr. Commissioner, I will state that practically all factories built in Jamestown are equipped with electric power. So that if that were done in all factories we would cut out about 2,000 factories. That would be an expensive proposition to an old factory.

Q. I understand there is a saving in power after the installation has taken place. A. So I have been told.

By Senator PLATT:

Q. What do you think about a provision in the law which would make it a misdemeanor for an employer to install or permit

to be operated any machine after January 1, 1914 or 1915, which was not guarded according to the specifications and plans of the Department of Labor? A. Well, would you mean thereby, Senator, that the State would then assume the liability in case of accident?

Q. I would not do that. A. Suppose I would put up a machine and guard it according to the law, then, and comply with the law, then my responsibility would cease right there?

Q. In a way, I should say yes. A. If I were punished on the one side, I should not be responsible, my responsibility should cease when I performed my duty according to the law?

Q. In a way I should say that. A. If a law can be enacted whereby my responsibility would cease, as far as accidents are concerned, if I had guarded a machine from—in a certain way I should say it would be all right.

Q. What would you say of making it a misdemeanor for an employee after that time to operate a machine that had not been safeguarded according to the plans and requirements of the Department of Labor? A. That, of course, would work along the same theory, if there was a law to that effect, and a man operated a machine that was defective and not properly guarded and he was injured, of course he should thereby forfeit his right to compensation.

Q. I think it would have that effect. A. Of course, that is a particular proposition.

Q. Would you think that time was too short, say January 1, 1914? A. I should want to think a little more about that subject. I should want to think whether that thing was feasible. It might be feasible but there are conditions.

Q. Do you think were that enacted into law it would have the effect of making manufacturers of all machines guard the machines before they left the factory? A. Is not that practically being done now?

Q. I don't know about that. We were in one factory in—The Bliss Works, where they claimed there was a great deal more demand in many instances for the unguarded machines than there was for those that were guarded.

By Assemblyman PHILLIPS:

Q. That is where the guard affected the amount of production. A. You realize that it is impossible to guard a machine so a man will not get hurt. We had an accident in our factory there three or four months ago in a planer where they were running through boards seven-eighths inch

thick on a common surface planer; a boy taking away behind the machine reached underneath and got his fingers cut off. You understand what he had to do to get his fingers in, but he did it.

By Chairman WAINWRIGHT:

Q. The suggestion has been made to us that this would be an effective way, if it could be done constitutionally, to ensure the use of guards: Where you had received a direction from the department, where an employer had, to guard a dangerous machine, and where he failed to do it, and an accident occurred, that his accident, his casualty policy, should not cover that accident. A. Well, suppose then a man comes into my mill at two o'clock in the afternoon, an inspector, and he says that the machine be guarded with a certain kind of guard, according to the most efficient, best guard, and I have an accident at three o'clock, and I can't get my guard for a week or ten days.

Q. Should you have a reasonable time to put it in after the order is issued, with the right of review before the Commissioner, if you think the inspector who was ordering it has been unreasonable, if you have had an opportunity to protect that machine, and don't do it, and in that event it is impossible to recover on your policy. A. If you put power in the hands of an unreasonable inefficient inspector to cancel your policy?

Q. Assuming the right of review of his order before the Commissioner yourself.

A. That would be a lot of power to put in the hands of one man.

Q. Don't you think that would be a fairly effective way of securing compliance with orders? A. It might be. All those things must be given some thought, however. They are hard questions to answer offhand.

By Assemblyman PHILLIPS:

Q. I might say, to show the seriousness and the necessity for guarding woodworking machines, that in the last four years there has been 4,700 accidents reported to the Labor Department that have occurred on woodworking machines. A. Is it not a fact that there are less accidents now than ten years ago?

Q. Of course, there are more employees than there were then. A. Smaller percentage.

Q. There has undoubtedly been saving by proper guarding. A. How long since you began to enforce the law regarding the reporting of accidents?

Q. Undoubtedly as employers become educated to the law they report more accidents. Some of that is due to increased activity on the part of the inspectors. A. There are less accidents in Jamestown.

Q. That is due to what? A. Guarding of machinery.

By Chairman WAINWRIGHT:

Q. You are covered by insurance? A. We have been. I don't know whether it will be possible to continue on account of the rate they are coming to charge.

By Assemblyman PHILLIPS:

Q. Do they inspect your factory? A. Yes, and no. Not much.

By Chairman WAINWRIGHT:

Q. Not as much as the inspection from the State? A. Oh, no.

THEODORE R. HUGO, superintendent Republic Mfg. Co., Buffalo, N. Y.

By Assemblyman PHILLIPS:

Q. What is the nature of your machinery? A. Stamping presses and dies.

Q. How are your presses operated? A. All by belting.

Q. Have you ever investigated the question of cost with regard to the power, as between belting and separate motors? A. No, we have never gone into that.

Q. You believe, of course, it would be safer with the motors? A. I have had charge of the factories four years and we have, perhaps, 250 presses. I have yet to see the first accident due to a belt or shaft, with one exception, where an oiler stuck his fingers between the pulleys, where the spokes are not close together, and he was looking for the oil hole and he stuck his fingers between the spokes and cut his finger off.

Q. You have accidents with the stamping machines? A. Yes, sir. That goes with the business.

Q. What are the nature of the injuries? A. The worst I have seen was seven fingers.

Q. Do you use guards on your stamping machines? A. Wherever we can. It is not always feasible.

Q. Are you familiar with the different guards that are on the market for stamping machines? A. Yes, I think I am.

Q. Do you think it would be a help to the manufacturer if the Labor Department had a bureau or some men whose sole duty it was to answer questions and keep manufacturers in touch with the various devices for protecting machines? A. I think an exchange of ideas would be very good.

Q. Your men work by piece work on the stamping machines? A. Yes.

Q. Do some stamping machines have a lock on that prevents a second stamp without some effort on the part of the men operating it? A. All of them do.

Q. All? A. What I mean is that cutting presses are all made that way. If a machine is in good condition it will not operate without the pedal being stepped on or else something going out of commission.

Q. And your accidents results from the man getting his fingers in? A. I could cite any number of accidents gotten in that way. I will put it this way: I make it a business after every accident to inquire exactly into the cause of, and I can truthfully say that I have seen but one case that was the result of an inefficient machine outfit.

Q. What kind of machine was that? A. Cutting press.

Q. How did that accident occur? A. The treadle at the back is supported with a screw, and at this point the rod comes up to the clutch knock out, and at this point here is a spring. This screw came unfastened, consequently let that in there drop, the spring snapped the thing upwards to the right of the fulcrum point here, and the weight of the treadle pulled the mechanism down and set the machine.

Q. How did the other accident happen to the fingers? A. We had one accident where a fellow lost four fingers. He operated a machine. It was not the machine he was hurt on he operated—on a machine thirty feet removed from the one that he was on. He went over to the other machine from his own machine, at which the operator was sitting with his back toward the machine doing some repair work on a piece of work he had in hand, and the injured man placed one of the articles to be stamped in this other fellow's press, and said to this other fellow: "Step the machine," and in doing that the fellow had to turn around with his foot to step the treadle, and he got his foot at such an angle that he could not get his foot off, and the other fellow stuck his hand in there and took off his four fingers.

Q. His foot held it down? A. Yes.

Q. Are there some machines equipped with a double lock? A. I believe there are.

Q. Are those machines used very much? A. One with a double lock? I don't believe we have any.

By Senator PLATT:

Q. Why don't you use them? A. There is only one maker that I know of that puts that thing on, and it is a patented device

not applicable to the machines we have at present, and there is no way that I know of we can get around it without infringing upon his patent, and his original way of putting it on is not applicable to our present machines.

Q. But that would prevent accidents. A. I assume it would.

Q. Now, the accidents which you speak of, which were not due to the machine, would they have been prevented by a double lock, many of them? A. No.

Q. What was the cause of these accidents? A. Mostly a fellow not removing his foot properly or stepping.

Q. But with the double lock, if he did not remove his foot there would not be another operation, would there? A. No, there would not.

Q. So that in those cases it would have been save by the double lock? A. I think it would.

Q. These machines on which the accident occurred were all guarded? A. Wherever possible in all cases.

By Chairman WAINWRIGHT:

Q. Were the machines on which the accident occurred guarded? A. Not in all cases.

Q. The accidents, where they were guarded, occurred in spite of the guard? A. Yes.

By Assemblyman PHILLIPS:

Q. What were the accidents due to aside from those that have been guarded with the double lock? A. I recall where we had a guard made originally when the press was put up, and the punch would not come through this guard, and after constant use with the punch it was ground off considerably shorter, the distance between the guard and the face of the die was perhaps an inch, so that a fellow would have to put his finger under it intentionally to get it cut. Then as the punch was ground off it came through guard. This young fellow had spoiled a piece of work sticking in his die. In those cases they are always instructed to take a stick, which is always handy, and force the piece out of the die. Instead of that he put his finger between the punch and the upper part of the guard on the die and cut it off.

Q. But that kind of an accident could be prevented if the punch had been removed and a new one put on? A. No, if he put his finger in intentionally.

Q. I understood you to say that the punch had worn off, so that if a new punch had been put in that element would have been removed? A. Yes.

Q. I don't know much about mechanics,

and I am rather stumbling in these questions. A. I assume we are looking for fully perfected guards. We are looking to find to what extent guards and inspection for safety can prevent these accidents.

Q. How many presses do you have? A. I imagine about 200.

Q. Do you have an inspector to inspect them? A. The foremen are instructed to go over them every day.

Q. The foremen? A. The employees are instructed in the work on any machine as to the right manner of operating it.

By Chairman WAINWRIGHT:

Q. Have you got a rule to that effect posted? A. We have so much posted it looks like a bill board in all languages, French, German, Spanish, Polish, and even Assyrian.

Q. Do you have a man in your factory whose sole duty it is to look after the safety of the men? A. No.

Q. Or the conditions of the machines? A. One man could not cover it; it is up to the foremen.

Q. That is incidental to his other work, the productive end of the work? A. Yes.

Q. That is the end in which he is most interested, the productive end? A. If the machines are not thoroughly operative he will get bad work, and of course that apprises him of the fact that the machine needs attention. I think instead of putting it up to the manufacturer to put on these guards, it should be put up to the manufacturer of the machines, the source of the trouble. Don't let him sell anything but a thoroughly safe machine. The trend of the law is to put too much up to the manufacturer entirely. The tendency is to protect the employee.

Q. You think rather that the suggestion of Senator Platt's that after a certain date none but guarded machines should be sold? A. There ought to be some plan made by which the employer would get more justice than at present. For instance not more than three weeks ago there was one of our men, a young fellow perhaps 23 or 24 years of age, working on a press, blanking on sheet stock. I passed at the time he had this sheet in his hand and as I passed I noticed him half asleep. He had this sheet in his fingers, and I could not see where his foot was, but I assume it was near the treadle, and he dozed and actually struck his head against the press before he woke up. In a case of that sort had he stopped that press accidentally, he would have cut off both hands, and no one would ever have seen him. He would have claimed the machine was inoperative. Now, at a trial

we may have been able to establish the fact that the machine was all right, but it would have cost us that much money and time. And when he had his hands feeding he would have claimed he was thoroughly awake. In other words, he would take the stand, the machine was inoperative unless we had some definite information to the contrary, and the way it actually did occur we would have a hard job to prove ourselves.

Q. Coming back to your suggestion that the manufacturer of the machine ought to equip it with permanent guards, do you have any trouble getting machines permanently equipped when you purchase it, if you specify that kind of machine? A. Well we have not bought machines lately that need those things.

Q. We want to know how we can get at that proposition, because it is a good suggestion? A. Here is a point; a great many of the manufacturers make their clutches or knock outs. For instance there is connected from the clutch throughout down to the treadle, say with two rods, and the set-screws hold those two rods in direct relation to the clutch-throwout. In case either one of these should slip there is liability for an accident. We have equipped most of our presses so there is a spring between the nearest control and the clutch. In other words the spring is not removed by three or four joints. It acts directly on the clutch throw-out.

Q. Have you any recommendations to make as to whether amendments could be made in the law or the administration of the State to prevent accidents? A. What particular law do you mean?

Q. I mean the Labor Law, so as to make the department safer. A. The only thing I can see, you throw the entire burden of proof on the employer, that is asking altogether too much. In case an accident occurs and we find afterwards there is no defect in the machine, and in some cases the explanation for the cause of the accident can't be ascertained, and the man who is injured turns around and sues us, what can we do to establish that the press is all right.

Q. I was asking if you had any recommendations to make so as to amend the law so as to prevent accidents? A. I don't know as I have.

By Mr. SEAGER:

Q. I would like to ask whether you get assistance from the inspections of the Labor Department as now organized? I think we have.

Q. How often are the inspectors in your plant? A. They come through so fre-

quently, I should say perhaps — do you mean State inspectors?

Q. State inspectors. A. Once or three times a year.

Q. And your impression is that it is fairly efficient? A. Yes, I think so.

Q. Do you carry liability insurance? A. Yes, sir.

Q. Do the insurance companies send inspectors through your plant? A. Occasionally.

Q. Is the inspection more helpful than the Labor Department, the State Department? A. The State Labor Department is not general but specific. One man inspects elevators, another man will go through the machine end of it.

Q. Is the tendency of that arrangement to give more efficient inspection? A. I don't believe any one man can cover all the ground sufficiently.

Q. You think it would be a good plan to organize the inspection force of the State so that there would be specialists for different branches? A. I think you would get the best results that way.

By Assemblyman PHILLIPS:

Q. Are there in Buffalo any manufacturers of stamping machines? A. Two or three I think.

Q. Do you know whether they put permanent guards on those machines as they send them out? A. No.

Q. With regard to your suggestion, Germany forbids the sale of machines unless they are guarded. A. The Germans are right as a rule. When you get through with a German he does everything thoroughly. We have two circular saws;— we have a device I believe, that was passed by the inspector two or three times, and the front end of it does not drop, such as you stated a few minutes ago — does not drop.

By Commissioner WILLIAMS:

Q. But there is, however, such a device on the market? A. Why do you pass the others then?

Q. For the simple reason that we do not want to be placed in a position where we would be charged with pecuniary interest in pushing certain devices.

By Assemblyman PHILLIPS:

Q. Suppose we should suggest a plan that would force people into buying the one you spoke of? A. How else are you going to get around it.

Q. You think we would be justified in making a rule of the kind if made for safety, even though some individuals might get the benefit in selling the safer machine,

do you? A. I don't know as I would care to answer that.

Q. The initial cost would be very great? A. I don't think so.

Q. I mean if you had to substitute presses with devices to prevent repeating instead of what you now have? A. I think the manufacturers of that particular device ought to have public spirit enough to put the thing on the market for anyone's use.

Q. I understand that the General Electric Company in ordering machines, specify the machines must be guarded when they are sent them, and I presume other manufacturers do that? A. I could not say as to that.

Q. Have you anything further in mind? A. How often does your department revise its rules?

Q. As occasion may require. A. We had occasion to put up some new dressing rooms for the girls. We made a sketch and submitted it to the department. They approved it. We had it up about six months; the side walls went up above eight feet, no way to look over it. Recently we have orders to run it right up to the ceiling.

Commissioner WILLIAMS.— You must not put that up to the department; the Legislature of 1910 amended the law.

FRANK AGGY.

By Assembly PHILLIPS:

Q. Have you anything to add to Mr. Hugo's statement? A. Yes, I have. The weak point on guarding machines seems to be here: machines that are built now, layers, planers, and drill press, machines of that kind have gears and collars and other points covered. Now our principal dangers come not from these points but from the operating of the dies. Now, in all punch presses you can use different designs or dies, different types, different shapes. So it seems to me a very difficult matter to design or build any machine that will cover the conditions. I have seen within two days a new design built by Guider, Eschke & Frey, of Milwaukee. They build a guard something like a gate of a street car, opening and closing—diamond shape. I can't describe it exactly. That gate is right in front of the dies, and at a certain point of the operating the gate closes and the machine can't be operated unless the gate is down. That gate would operate to form a guard in many cases, but in a great many more it could not be operated. That is to say you could not make that gate to stand on the machines. Furthermore it seems to me that would be very plain to keep up dangers on account

of its getting out of order continually. It is little and flimsy in construction and my own impression is that any design that continually would get out of order frequently requiring frequent inspection would be a menace.

By Commissioner WILLIAMS:

Q. Is not that guard designed to protect the operator feeding the press from the front? A. Yes.

Q. It would not effect the side feed? A. Not at all.

Mr. HUGO.— I wish to say further that from our inspection and from our experience that the great majority, almost all accidents are occasioned by the carelessness of the operator, therefore, to make any machine effective you must make it absolutely fool proof, and that is a difficult thing to do.

Senator PLATT.— What effect, if any, do you think the drinking of strong liquor has in the cause of accident? A. A very marked effect. A very serious effect indeed.

Q. Do you permit any of your employees to bring liquor into the factory? A. Absolutely not.

Q. In case they do bring it, what do you do? A. Discharge them at once. That is one of the capital offenses of our place.

Q. You don't think that beer and light wines would have the same effect? A. Oh, yes, if you take enough? Only a question of quantity. For instance, this young man, the case of this young man, went to sleep apparently about quarter past seven in the morning; he had been out all night and had his skin full; absolutely inefficient and uncontrollable. You can't control such cases. Now, we have a case—we have a row of drop hammers, a drop hammer drops very quickly and violently—we have a man who has been there 25 years and his hands are as good as mine to-day. Other men we have to take them away.

By Chairman WAINWRIGHT:

Q. When you observed the condition of that man what did you do? A. I got him by the nap of the neck and kicked him out.

Q. Anything else, Mr. Hugo? A. No, sir, except to emphasize the extreme difficulty, almost impossibility of devising any method to protect employees. Accidents are bound to happen, and as they almost invariably occur through carelessness it seems to us almost impossible to prevent them.

By Senator PLATT:

Q. What percentage of accidents in your factory do you consider preventable? A.

Preventable by what source, by guards?
 Q. By guards? A. If I could see an efficient guard I could tell you. That is a thing we can't tell, we don't know. I have never seen an efficient guard on a machine yet that could not be manipulated or made ineffective.

Q. And these stamping machines are generally machines having a self feed? A. Yes. I saw a machine the other day in New York that ought to revise the conditions in making cans, it runs automatically and the men are entirely free from contact with the machine.

Q. To what extent are these machines used? A. Just been out.

Q. Have they not been out a couple of years? A. No, sir.

Mr. HUGO.—That particular machine is not adapted except to one line of industry.

By Assemblyman PHILLIPS:

Q. Would it be a help if the Labor Department had a department to keep in touch with the manufacturers and inform them of new safety devices as they appear? A. Very efficient. The Labor Department has grown much more efficient in the last two years, and the inspectors have much better practical ideas than they had. Where we are weak is in regard to collars, belts, etc. The points where our accidents occur have never been touched.

Q. What is that? A. These punches. So far as I know they have never been touched or mentioned.

By Senator PLATT:

Q. They find the same difficulties that you do? A. Yes, sir.

Mr. HUGO.—We consider a job safe when a man can place the work under the dies so his hands won't come into a dangerous position—within three inches of a danger position. We have accidents occur even under conditions of that sort.

By Assemblyman PHILLIPS:

Q. Mr. Aggy you believe that the department, or any other public official, who sees a chance for safety ought to recommend new safety devices as they appeared, even though it does some good to men or a business? A. Yes, sir.

Q. Men in office are sensitive as to that, because there are those who will say it is done for the purpose of aiding that man? A. By all means I would do it. We have got to look at this matter in a broad way, saving the usefulness of man. If anybody should secure a patent of that kind it might be brought to our attention by the Labor Department,

Q. Would the manufacturers be able by a committee to aid the department in any way by passing upon any suggestions so as to stand for that recommendation and relieve the department of any responsibility. A. I think we could. I am sure if I was placed on a committee of that kind and I knew of a patented article which would relieve any manufacturer from accidents that we have to confront us, I would recommend it.

By Chairman WAINWRIGHT:

Q. You think it would be feasible to establish some place in connection with the department where these devices could be inspected and practically demonstrated. A. Yes, sir, I do.

Q. A museum of safety? A. I would go there, and I would take our principal men there to-morrow if I could find such a place.

Q. How would it be if the Labor Department had supervising inspectors in different parts of the State, and had those appliances in connection with their offices. A. It would be very expensive. I think a central office, like an office in New York city would be of advantage.

Q. You believe this work justifies the expense? A. Yes, sir, I do.

Q. You think the department gives frequent enough inspection? A. Yes, sir.

Q. The suggestion has been made that the force is too small, and the inspections are too infrequent. A. I think they visit us as much as is necessary.

Q. Of course there are other plants in parts of the State, small factories or small towns, which they have to cover.

Q. How many men do you employ. A. About 600.

Q. I think Mr. Williams has fifty inspectors?

Commissioner WILLIAMS.—Yes, sir.

By Assemblyman PHILLIPS:

Q. Do you think fifty inspectors enough? A. I do. Of course some of the small concerns don't get any inspections.

Q. Taking the State as a whole, would you think that enough? A. I should think so.

By Senator PLATT:

Q. What do you think about making it a misdemeanor to install or permit to be operated any machines after January 1, 1914 or 15, which is not guarded according to the requirements and specifications of the Department of Labor? A. Well facing my own difficulties I should say that it's very hard to answer, because the solution of this question seems as far off as ever to

us. If we could see in the near future any way by which these machines could be safeguarded in a practical manner I should think it would be possible.

Q. Don't you think that would have a tendency to make all manufactures of machinery guard them according to the requirements of the Department of Labor before they leave the factory? A. Yes, it would.

Q. Don't you think it should be made a misdemeanor for any man to operate a machine that was not guarded according to the law. A. I think the result of that would be, unless it was adopted in all other States equally that the operators would leave New York State.

By Chairman WAINWRIGHT:

Q. Why would they do that? A. Because they would not take the chances of committing a misdemeanor.

By Senator PLATT:

My idea would be to have the machine stamped or a tag attached on, and which shall give the date of inspection, the name of the inspector and the statement that this machine is safeguarded according to the requirements of the Department of Labor. A. Possibly I am hasty in making that remark, because I had in mind some other things. If this can be done, have the machines so safeguarded it would be all right. Because the men can be justified in taking stamp of that kind in the first place.

By Chairman WAINWRIGHT:

Q. What do you think of the suggestion that the policy of insurance should be canceled, when an accident occurs upon a machine which has been ordered guarded, after the owner had opportunity to test the reasonableness of the order? A. That brings us back to the same place. It is still an open question whether we could guard certain machines.

Q. I am assuming the placing of the guard where there is due opportunity to test by appeal or review the reasonableness of the order; after that it is not guarded, an accident occurs and the owner of that machine can't collect the insurance on account of the accident? A. Very likely, I should say that in a broad way the manufacturers in New York city are to-day as anxious as anybody to get their machines properly guarded. Of course there may be exceptions. I know we are. We would be glad to find guards that would be of use to us.

Q. You look upon the statement as I do. A. Yes.

Q. The practicability of that proposition to cancel the insurance? A. That is a difficult thing to say. I don't know; the condition is so far ahead of us it would be difficult to answer. I should not care to answer the question. The conditions now are approaching that condition.

Q. That is a suggestion made seriously to the Commission. A. I would not care to enter into that matter.

By Commissioner WILLIAMS:

Q. Don't you think that before such a step is taken either to penalize the manufacturer or the operator, or to cancel the insurance, that steps first be taken to standardize all means for prevention of accidents on machinery? A. Yes, sir; by all means.

Q. That is how it occurred to me, that that step should never be taken until we have reached a point where we can have this guard, which, if applied, will prevent accidents? A. I think so. I think that is the point. I would be glad to overcome that. I think that is the proper way to look at it.

By Commissioner PHILLIPS:

Q. You have emery wheels in your plant? A. Very few.

Q. Have you had any experience with guards, that is, how far guards are preventive? A. No, sir.

Q. Do you guard yours? A. No, sir. They are used by our skilled men.

Q. Do they come from the manufacturers stamped with the number of revolutions and the speed they will stand? A. Yes, sir, guaranteed.

Q. I suppose you have some fumes and vapors arising from your work? A. Yes, sir.

Q. Enough to affect the men? A. All removed by blowers.

Q. Any difficulty in getting an efficient blower for that purpose? A. No, sir.

Q. Is there any complaint from your men as to the efficiency of the blowers? A. No, sir.

Q. Do you have any difficulty from the acids in your carboys? A. That is fumes?

Q. You have that removed? A. Yes, sir.

By Commissioner WILLIAMS:

Q. Of what materials are the fans made? A. Steel covered thickly with paraffine.

T. F. HILDRETH.

By Chairman WAINWRIGHT:

Q. You represent the New York State Steel Company of Buffalo? A. Yes, sir.

Q. In what capacity? A. In charge of the mining department.

Q. Where are the mines located? A. Minnesota.

By Assemblyman PHILLIPS:

Q. What are the nature of the mines? A. Iron ore.

By Commissioner WILLIAMS:

Q. Subject to State inspection, Mr. Hildreth? A. Yes, sir.

Q. How frequently are they inspected? A. I could not say exactly. They have an inspector located on the range there. Possibly, I should say, twice a year.

Q. Are there many accidents in your ore mines? A. A good many minor accidents.

Q. None serious? A. No.

Q. What is your method of inspection, your own inspection? A. We have what we call shift bosses going around all the time to see if the men are working properly.

Q. Do you test the pillars and the roofs of the mines frequently? A. They are continually after the miners to test the roofs before they go in.

Q. What regulations have you with reference to blasting? A. No particular regulations. A lot of the men do their own blasting. Each crew is responsible for their own blasting.

Q. Does the company select the blaster? A. Every man does his own.

Q. Are the men employed in your mines mostly English speaking? A. No, most of them are foreigners. Most of them know a little English.

Q. Do you find that they exercise sufficient care in the handling of explosives? A. We don't have many accidents from explosives. More minor accidents from carelessness.

Q. We had some miners before us at Glens Falls and they told us that many of the accidents were due to the fact that a large number of non-English speaking persons were employed; that is why I asked the question as to whether you found any difficulty, owing to the fact that your men are non-English speaking. A. Most of them understand a little English, and most of the shift bosses understand enough of the foreign languages so that they can make them understand.

Q. Do you ventilate your mines with mechanical means? A. No, it is not necessary.

Q. How do they get rid of the smoke emitted after the blast? A. The State law requires two shafts. We usually regulate the draft by means of the two shafts.

Q. By means of doors deflecting the currents? A. We have some between the two shafts, but as the mine is blocked out we can get a good circulation without forced draft.

Q. Have you any regulations as to how soon the men can get to work after a blast? A. No, sir.

Q. They go there as soon as they want to? A. Yes, sir.

Q. What are your regulations with regard to the storing of dynamite? A. We store it in a separate storehouse on the surface and send down each day what is required for that shaft.

Q. Any regulations as to the character of the house where it is — concrete? A. No, sir.

By Assemblyman PHILLIPS:

Q. Do you have any trouble with premature explosions of dynamite in your blasting? A. No, sir.

Q. Have you any rules to prevent it? The reason I ask is, in different quarters scattered in different parts of the State twenty-five men were killed by premature explosion of dynamite, causing instant death. A. We have never had any in our mines.

Q. Any from missfire? A. We have had one.

Q. Dynamite is left, not being exploded, and afterward a man works there and because of an explosion is injured? A. One time a charge did not go off. The bosses are supposed to warn them if it misses fire.

Q. Is there any way by which they can find whether a charge has missfired without personal examination? A. Only waiting a reasonable time.

Q. Then give the charge again? A. Yes, sir.

By Chairman WAINWRIGHT:

Q. Any rule as to the withdrawing of a charge? A. We practically never have a charge missfire; we light with a fuse.

Q. Did you say there was an inspector, a State inspector on duty at your mine all the time? A. Oh, no.

Q. How frequently is the mine inspected? A. Probably twice a year.

Q. How often do you inspect those mines near Westport, Commissioner?

Commissioner WILLIAMS.—Once or twice a year, as occasion may require.

By Assemblyman PHILLIPS:

Q. Do you have in Minnesota the Pennsylvania system of having the State appoint foremen in mines? A. No, sir.

Commissioner WILLIAMS.—I don't think that in Pennsylvania the State appoints the foremen, but they issue a license to them.

Assemblyman PHILLIPS.—In that way they control the appointment of the foremen.

Col. EDWIN P. COTTLE.—I did not know of this meeting until this morning and don't know as I have any authority to present any matter to the Commission.

By Chairman WAINWRIGHT:

Q. What is your relation to the building organization? A. I was last year at the time you had the meeting here appointed chairman of the committee of the Builders' Exchange to appear before you.

Q. Have you any suggestions to make as to the prevention of accidents in your work? A. I don't have any practical charge of the manufactory in which I am interested. I go there sometimes once a week, and sometimes not for two months perhaps. The question of protection is a most important one, and I have taken an interest in that and drawn what I thought were rules that come as nearly as possible to covering accidents.

By Assemblyman PHILLIPS:

Q. You don't know to what extent the Labor Law is obeyed by contractors in the city of Buffalo? A. I think it is generally observed.

Q. The Labor Department makes no inspection except upon complaint; do you think the Labor Department ought to have power to visit you to inspect building operations without waiting for a complaint to see whether the Labor Law is obeyed? A. I should think it was proper. I don't see why a pledge is necessary to secure safety.

Q. Your city government does not do any of that work? A. I believe it does.

Q. Inspect to see if the fire or building code is being obeyed? A. With regard to those things you will have to ask those who are on the practical part of it.

Q. Have you any suggestions to make with regard to the prevention of accidents in the building trades? A. Not having given any very recent thought to it, except as things have come up here this morning, I can't say that I have. Some suggestions were made in regard to making everything a misdemeanor. I don't favor that for the reason that they have so many misdemeanors now that a man can hardly go a week without committing one.

Q. You said you had yourself compiled some rules? A. As to our own establishment.

Q. When you say your own establishment, what kind of establishment do you refer to? A. Brick manufactory.

Q. Are there any special features of those rules to which you would like to call our attention? A. I think not. It is not a dangerous occupation. I think some of those more familiar with the practical operation of the building trades would be able to give more information with regard to this line of investigation.

G. C. SCHERER.

By Chairman WAINWRIGHT:

Q. Mr. Scherer, what organization of the building trades do you represent? A. Mason contracting.

Q. And in what capacity? A. Secretary and treasurer of our company. I have general supervision together with other members of our company.

By Assemblyman PHILLIPS:

Q. What is your company? A. Charles Berrick & Sons Company.

Q. Do you think it would help to prevent accidents if the Labor Department had power to inspect building operations and contract work? A. I hardly think it would be of much benefit unless they had men on the job.

Q. Your conditions are changing every day? A. Change every day.

Q. In that way they differ from a factory? A. Yes, sir.

Q. But you think that if there was enough inspectors it would prevent accidents? A. Yes, sir; but it don't seem that it would do any great benefit in that direction.

Q. Why? A. An inspector might possibly accidentally see something on a particular visit that may possibly occur, but it is more likely it might occur the other dozen hours of the day that he was not present.

Q. My question assumed if there was sufficient inspection, would it prevent accidents? A. My idea of sufficient inspection would be constant inspection.

Q. Would that prevent accidents? A. It might in some instances, assuming that the contractor is not taking every precaution.

Q. For instance, if they inspect a scaffolding as it was put up, that would prevent some accidents I suppose? A. It might prevent some.

Q. Do you know to what extent the contractors obey the law with regard to flooring as they proceed up above the three

stories? A. I think that is generally observed in the city of Buffalo.

By Chairman WAINWRIGHT:

Q. Is it not comparatively easy to keep that under general inspection? A. I presume that would be an easy matter to follow up.

Q. Is not that a very frequent cause of accident in building operations by reason of either the falling of men or the falling of materials upon them? A. I should say it is.

By Professor SEAGER:

Q. Is there not some general cause of accidents in your business? A. Conditions in the mason contracting business are such that it don't seem to me that general rules might be made to apply. There are hardly two conditions alike; the conditions alter every day. To me it seems as if it requires constant care and thought, watch every possible chance where an accident might occur. That is the only way the number of accidents may be kept down, by constant care and observation, taking every precaution, however foolish it might seem.

By Chairman WAINWRIGHT:

Q. I understand you to say that you think it would be comparatively easy to keep building operations, for example, to keep building operations near the floor? A. In that one respect.

Q. Our attention has been called to the fact that in some building operations it is now specified there shall be nets under the scaffolding, as is in the case of all the buildings constructed for the New York Central at the Grand Central terminal, do you think that is feasible? A. I do not.

Q. Why not? A. I don't know as I thoroughly comprehend the plan.

Q. As we understood it, where scaffolds are being used at a certain height above the ground that nets should be provided under the scaffolding so that if the men fall or the scaffold break they would go into a net? A. For such a net to be effective it would have to form a part of the scaffold to sustain it. Unless it was that broke the net would not be effective. The only way the net might be effective was in the breaking of a plank; the principal structure of the scaffold would be intact.

By Assemblyman PHILLIPS:

Q. The net would have to be independent of the scaffold? A. Yes, sir.

Q. It is only since last October that the building trades were required to report accidents; during that three months about twenty-five hundred accidents have been re-

ported in the State in the building trades? A. I don't understand that anywhere near all the accidents were reported because it is a new law. The people are only commencing to get accustomed to reporting.

Q. What are the causes of most of the accidents in the building trades in your city as you recall them? A. I can't speak generally. Talking of such accidents that occur in our organization in the fifteen years that I have been connected with the business, of course that is all I can speak of, we have not had one that might be called a real serious accident. We have had fingers jammed, and toes jammed or crushed. We have had one accident in that period, the breaking of a boom truck, which injured two men, breaking the leg of one and straining the back of another. Possibly two or three accidents, slight scalp wounds, cut with a brick, beyond that I don't recall any accidents.

Q. How many of your contractors are members of the Builders' Exchange, the larger portion of the contractors? A. I should say the large proportion of the representative contractors.

Q. Would it help to prevent accident if your organization formed a safety committee so as to try to pick out the particular causes of accidents and devise methods of preventing those things so as to get down to something definite to work on? A. It strikes it would be rather difficult to form any safeguards in our business. As I said before, of course the contractor pays the penalty when he fails to properly provide safeguards. In our business we insist upon such safeguards that sometimes to the foremen on the job appear ridiculous and absurd, but we feel that it is the only method of protection.

Q. Now speaking of these things that appear ridiculous to the foremen: are your foremen inclined to take chances—are they interested more in the construction work than in the safety end of the work? A. Not when they work for us.

Q. Generally speaking? A. I think, generally, better attention might be given to safeguards.

Q. Don't you think that the weak point in your trade organizations is the foreman, so far as the safety is concerned? A. No, I think the weak part would be, the principal thing, in educating his men and insisting upon these things, time and again, until they became thoroughly accustomed to that form of safeguard. I think it is a part of the education of a foreman and of the individual mechanic.

Q. You think there has not been enough attention paid to compel the prevention of

accidents? A. I would hardly put it that way. I can't speak generally.

By Chairman WAINWRIGHT:

Q. You are covered by insurance, I suppose? A. We are not. Not for some years back.

Q. So that any provision to invalidate insurance would not affect you. A. No, sir.

Q. Have you any suggestion or recommendation to make to us with regard to the prevention of accidents in your trade other than what you have said? A. I have not. Mr. Chairman, I was curious and particularly interested, and expect to be. I attended for the purpose of seeing if there was something that never occurred to us. It does not seem to me as if any suggestions can be made applicable to our business, and I was anxious to see if there were some suggestions that had never occurred to us.

Q. We are here not to impart wisdom so much as to get light on the subject? A. I hardly mean that I might get it from the Commission, but in the general discussion.

By Assemblyman PHILLIPS:

Q. Do you have any accidents in the business, generally, from defective scaffolding? A. I recall reading of accidents. Not so much in the mason contracting business as in the carpenter business. Merely newspaper information.

Q. I suppose it is a good deal with the painters? A. I should not wonder. I don't recall particularly. You read occasionally of the collapse of a scaffold. That is the only information I have acquired.

Q. I suppose your business is troubled a good deal by your employees going from one contractor to another; lack of permanency of your men? A. We are particularly fortunate; the greater number of our employees never worked for anybody else.

Q. What percentage are permanent? A. I should say eighty-five per cent.

Q. That is rather unusual in the building trades contracting work? A. I rather think it is somewhat unusual.

Q. How do you account for it? A. Possible from the fact that the greater percentage of our employees never did work for anybody else. Most of our bricklayers we have taught the trade. They have been with us from the time they began.

By Commissioner WILLIAMS:

Q. Did I understand the gentleman to say that he did not think that inspection on the construction of buildings would be very effective unless the inspector was continuously upon the ground? A. Inspection with

reference to the prevention of accidents I assume you mean.

Q. I think, Mr. Chairman, that we should be somewhat clear as to what is meant by inspection. I am under the impression that what the Commission means when it speaks of inspection of the construction of buildings it means instruction for the purpose of enforcing the provisions of the Labor Law applicable to such operations, and the provisions of the Labor Law—

Assemblyman PHILLIPS.—That is what I understand. These have been designed to prevent certain kinds of accidents. It is perfectly obvious that no inspection can prevent the accidents. No amount of inspection can do it.

By Commissioner WILLIAMS:

Q. No amount of inspection can do that. No plan or method of system of inspection can be devised that will prevent a bricklayer from accidentally dropping a brick on a scaffold fifty feet above the ground that the brick when it is dropped is bound to fall upon. That is not what is meant by inspection to prevent accidents as I understand it, but can their inspection enforce the provisions of section 20 of the Labor Law applicable to the construction of buildings? A. That section is too long. It would enlighten me to give me the gist of that.

Q. It is not so long but what it can be read:

* * * * *

Those are the substantive provisions of that section. Inspections, if made at all, so far as the Department of Labor is concerned, would be for the purpose of enforcing those provisions. I would like to ask whether, in the light of what I have read or seen in the city of Buffalo, regular inspection would prevent accidents upon such buildings in the course of their construction. A. You assume, Mr. Williams, when that law is complied with it does afford reasonable precaution against accidents. There must be some question as to that.

Q. That undoubtedly was the assumption of the Legislature when it enacted the law? A. I don't think there is hardly a question but what inspection might be of some benefit.

Q. Is this law complied with in Buffalo? A. I should say rather generally.

Q. In the erection of steel structures is the entire space of the upper tier covered with planking except such spaces as may be necessary for the lifting of materials? A.

The upper tier, the last tier, you mean, of beams inspected?

Q. Yes, Sir? A. I should say that is not entirely complied with within the meaning of that section.

By Chairman WAINWRIGHT:

Q. Who is charged with the enforcement of that section? A. (By Commissioner WILLIAMS.)—The chief officer in any city charged with the enforcement of the building laws of such city and the Commissioner of labor are hereby charged with the enforcement of the provisions of this section.

Q. Who is here in Buffalo charged with the enforcement of the building laws? A. (By Mr. SCHERER.)—Deputy building commissioner I think is his title.

Q. Has he a force of inspectors at his disposal? A. I rather question whether he has an efficient force to go into it to this extent. I think the inspector's work is principally that of seeing that buildings are built in strict compliance with the plans that are filed.

Q. Are your buildings—do you get any inspection from your commissioner of buildings department for the purpose of seeing whether the provisions of the building law are complied with with regard to safety? A. I rather imagine we get some inspection. To what extent I can't say.

Q. You don't notice it much? A. No, sir.

By Commissioner WILLIAMS:

Q. Have you ever known the shafts or openings in the floors through which elevators or elevating machines are hoisted,—have you ever known of a barrier built to the height of eight feet around the shaft? A. If by barrier you mean a tight partition around that shaft I should say that is not generally done, but a shaft is always fenced in to approximately that height. I admit that I am not entirely familiar though, that the law required up to a height of eight feet. Every shaft that we have for handling material that we had we fenced it in amply so that no accident can occur—and we make it of ample height in our judgment. It would be a light job to make it eight feet if we had that in mind.

Q. How about the filling in between the beams or floors with brick or fireproof material—is that generally complied with? A. The filling in is done within three tiers. Yes, sir. I should say that is generally complied with.

Q. Then as to the laying of rough floors, where the plans call for no double floors, two floors below? A. Invariably complied

with; as much a matter of management in construction. It is a good deal better proposition, as soon as a temporary floor is cut to put in the plank on one floor after another.

Q. As a matter of fact you are only in doubt as to the lateral compliance with the requirement—for the requirement for the complete planking of the upper tier in steel construction? A. Yes, sir; that is the only occasion where I think it might not be strictly complied with, where it requires it by completely planking the last tier erected.

Q. Take the matter of scaffolding. You frequently have to put up a scaffold on the outside of a building. I mean now a scaffold that is erected several stories above the ground, an independent scaffold; do you find it necessary or do you consider it necessary for purposes of safety to erect a guard rail around such a scaffold? A. Do you mean a rail above the level of the floor of the scaffold, like a fence?

Q. Yes? A. I do by all means.

Q. You do that? A. In every case.

Q. Is that generally done? A. I should say it was.

Q. Regarding the inspection by the building department, I feel that I should be somewhat reluctant to ask questions upon this subject in view of the fact that the concurrent jurisdiction seems to be vested in the city department and the Department of Labor. But section 21 of the Labor Law lets me out somewhat, for in that it is provided that we are to investigate upon complaint. Therefore, I feel it proper to ask questions concerning the method of the local department. Do the inspectors of the building department when they come upon the buildings, do they ever give any attention that you know of to the provisions of section 20 regarding the covering of floors and the erection of barriers around openings? A. I do not recall any instance of complaint or direction or suggestion on the part of an inspector. I might say, though, that that might occur without coming to my particular attention.

Q. How frequently do they visit the building in the course of construction? A. I could not say. I don't know that I would have any direct information to offer. If there was any criticism to offer I might not know of it.

Q. Their primary duty is to see that buildings are put up in accordance with the plans and specifications, and in accordance with the rules of the department? A. Yes, sir.

Q. So that this duty is incidental? A. I really can't say what their directions are, or what they are supposed to look for.

THEODORE METZ.

By Chairman WAINWRIGHT:

Q. You are building contractor in the city of Buffalo? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. Any general observations to make? You have heard the last speaker's statement? A. His answer would practically be mine except as to the inspection of the building department.

Q. What would you say in regard to that? A. I have often noticed the inspector come into the buildings and he has commented repeatedly on the careful way we have constructed our scaffolds.

Q. That is the local inspector? A. Yes, sir.

Q. You think he has the Labor Law in mind as to making his inspection, as well as the building code here? A. I have often talked about it, and I think they have very much.

Q. Your line of contracting? A. General contracting.

Q. Have you in mind anything that will increase the safety of the work? A. Nothing, unless you can educate the men into exercising care themselves. One chief trouble that I find is that liquor has got more to do with accidents in our line than anything else.

Q. How about your foremen? What type of men do you have for foremen in the building trades? A. We will not employ a foreman unless he is absolutely competent and carries out our orders.

Q. Do you think the foremen for contractors in the city of Buffalo are familiar with the Labor Law? A. So far as our firm is concerned.

Q. That your foremen are familiar with it? A. Yes, sir.

Q. Do you think that would apply to foremen generally in the building trades? A. To some extent.

Q. You think they ought to be familiar with it, don't you? A. Yes, sir.

Q. Do you think the foremen are more concerned in the construction end of the work than in the safety branch of it? A. I don't think so.

Q. That is, you think they would watch out for safety even though that reduced the output? A. That is the case with us, anyway.

Q. What percentage of your men are permanent? A. Thirty-five to forty per cent. We have them work to-day and to-morrow we are through with it. Other contractors have, perhaps, more building of their own to keep their men busy.

Q. There are less accidents among permanent workmen than among the shifting men? A. So far as we are concerned we have practically none.

Q. Do you do any ceiled work? A. We sublet that.

Q. And you only refer to your branch of the work? A. Mason and carpenter.

Q. That you do yourself? A. Yes, sir.

Q. Have you anything to add to Mr. Scherer's testimony? A. No, sir.

Mr. CARTE.—I will say, Mr. Chairman, that I think Mr. Metz is right in that he says that the personal habits of the men are largely responsible for a lot of the accidents in many of the trades, structural steel work, for instance. You know the personal habits of the men employed in that. You know what conditions a man is at work under sometimes, working when he has been on a debauch the night before, or even two or three days.

The Commission has asked whether they considered it right and practicable because of the violations of certain ordinances that their liability insurance should be canceled. Anything that would cancel a contractor's insurance automatically I think would be unjust. Some policies used to have the clause that if any of the State laws were violated that in a measure it acted as a cancellation of the policy.

As regards the net supporting scaffolds on steel work, you remember a bill passed the houses of the Legislature and the State Association appeared before the Committee and proved by demonstration conclusively that the net work could not be of value because of the heft of the falling object. Under a bridge, for instance, you remember that was passed by the two legislative bodies some two or three years ago.

By Chairman WAINWRIGHT:

Q. We are informed they are actually using those nets in the construction of some large buildings in New York to-day. A. It might work out on a scaffold, but you can appreciate that it would not work for steel construction work.

By Assemblyman PHILLIPS:

Q. Except to support a man or a hammer? A. Yes, if it would not break.

GEORGE BRADSHAW.

By Chairman WAINWRIGHT:

Q. Mr. Bradshaw, what is your occupation? A. Assistant to the claims attorney of the New York Central Railroad.

Q. Are you charged with any duties with regard to safety on the New York Central Railroad? A. Yes, sir.

Q. Will you explain what your duties are in that connection? A. The position which I fill was created about four months ago, having for its purpose the prevention of accidents. My duties are to inspect conditions and observe methods of doing work, and to make such suggestions for alterations and additions as I may think advisable to prevent accidents.

Q. How long has that office been in existence? A. It was created November 1, 1910.

Q. And how broad is your jurisdiction? A. My territory covers the New York Central, about 3,100 miles.

Q. And where are you located? A. New York City Grand Central Terminal.

Q. Will you describe briefly how you go about the performance of your duties? A. From my experience of several years with the claim departments of railroads I became convinced that these accidents are due to a very great extent to two conditions. First, lack of sufficient safety devices; secondly, the lack of sufficient education among the men. Therefore, the purpose of the work, which I am charged with is to secure the installation of a greater number of safety devices, and of safety methods, and also educate the employees from the men in the trench to the men at the desk to observe carefully this accident subject. Those are the two general duties: secure the installation of safety devices and the education of the men.

Q. Since you have been in the office have you secured the adoption of any and the use of any safety devices with any department? A. Yes, sir. I have made a personal inspection of the greater number of our shops, roundhouses, and buildings, and I have directed that safety devices be installed on a very great number of machines.

Q. What kind of machines? A. Planes, circular saws, band saws, shapers, and all the different kinds of machines used in railroad operations.

By Assemblyman PHILLIPS:

Q. Do you take hold of your machine shops, or just the operation of the railroad in your work? A. Everything, especially the machine shops.

Q. With regard to the work of educating your men, that includes your foremen and superintendents? A. No, it includes rather the men in the ditch.

Q. How about the foremen? A. We want to educate them, too, but they do not need so much education as the men under them.

Q. What are you doing in the way of educating men? A. We are just getting ready to do something. If I may explain. The road with which I was formerly connected for about seven years, the Chicago and Northwestern Railway, put into effect a plan of meeting at various division headquarters the employees along the railroad. For instance, they would meet all of the section men, track men, and instruct them; call to their attention the way in which accidents happen in their line of work, accidents to train men, accidents to shop men, and we have found that the men are woefully ignorant of this accident subject, even men of fair intelligence in other lines of work. For instance a few weeks ago I was inspecting a roundhouse and a machine shop on the New York Central Railroad, and I saw where a hoist was moving back and forth by means of a chain pulled by a man on the floor. He would take that to different parts of the shop on the trolley on which it ran. I observed there was nothing to stop the block on the end of that trolley. As it weighed four thousand pounds you can suppose what would happen if it came off. I said to the man using it, you should have stop-blocks on that trolley. He said, we never have had one. Well, I said, take that chain and follow me, and I kept walking; and he said, hold on, you are going to run that thing off. Follow me, I said, and he did, and it fell to the floor. Now, I said, will you put on a stop-block, or wait until an accident happens as it did at Oswego last July, where the same condition existed. As soon as it fell and killed somebody they knew there ought to have been a stop-block there. I might illustrate by scores of instances.

By Chairman WAINWRIGHT:

Q. Mr. Phillips calls our attention to the fact that by the statistics of the Labor Department there were 4,497 accidents and 144 deaths in the State of New York last year on the railroads. A. And that does not include trains. As illustrating my point that we need education for railroad men at any rate, and I assume such is the case in other lines of work, I passed by a small station where several trains stop at night, and I found about a dozen planks taken out by the section foremen, and every one of those planks had perhaps half a dozen spikes four inches long on it. They had been piled with the spikes sticking up in the air on the end of the station platform, where a passenger might fall and injure himself seriously. That can't be charged to indifference; it can't be said that the men did not know. The men had not thought about the danger surrounding that condition. The

superintendent who was an intelligent man realized the condition when I called his attention to it, but he did not realize it before. We are going to try to meet all these men at the various division headquarters and bring home to them just where they are killing and maiming their fellowmen every day by neglecting these little things. We expect also to issue certain little booklets of instructions gotten up in a readable way so the men will have this matter brought home to them.

Q. What are you doing with your laborers along the line? You were going to tell us something about that. I suppose by the men in the ditch you mean the men with the pick and the shovel? A. Of course these men we can't reach so effectively as the permanent class of laborers. A great many of them are Italians, and we can't issue instructions to any amount to men in their line. But I mean track men, and men in the shop.

Q. You meant by "the men in the ditch" your laborers generally? A. Yes, that was only figurative, but with the higher class of men we need a lot of these instructions because a good many of them don't see the necessity for these preventive appliances.

Q. Have you come in contact with the Public Service Commission at all along these lines? A. No, sir, I have not, because, as before stated, I have just begun this work, and I necessarily am in the formative period now.

Q. Has any other railroad system in this country established a like office? A. There is none. The Chicago & Northwestern, with which I was connected for seven years and the New York Central are the only two roads that have any systematic plan of that kind.

Q. Do you know whether the Public Service Commission furnish any inspection with regard to the safety of employees upon the railroads? A. I have not observed that they do. Of course the shops would not come under their jurisdiction. It is barely possible they have, but I have never observed it of them.

Q. Have you come in contact at all with the inspection people of the Labor Department? A. Yes, sir. In fact, last December, I made an inspection of the shops in Buffalo and Depew, two of our largest shops. These shops had been inspected by a man from the Labor Department a few days before I went through.

Q. Did you find any suggestions to make in addition to what he had made. A. Yes. I ordered a great many machines guarded that he had passed.

Q. Your instructions go beyond the labor

department? A. Yes, sir. The foreman told me the labor inspector had passed.

Q. Have your recommendations been acted upon by the authorities higher up in the road. A. In every case, yes, sir. My work also extends to the protection of highway crossings. That perhaps would not come under the scope of your inquiry. I have secured mechanical protection at a number of highway crossings.

Q. That is the protection of the employees? A. Yes, sir; to an extent, but more the protection of the public.

Q. Have you electric cranes in your shops? A. Yes, sir.

Q. Any signals or bells of warning upon that? A. I am not prepared to answer that question, as my inspection has not gone far enough.

Q. Have you gotten up any shop rules? A. So far as I could within the limited time I have been in this position. I have charge of the whole thing.

Q. I suppose you organize and expect the foremen and the men to see that is done? A. Well, I expect to be on the ground just as much as possible and see that it is done.

Q. Have you any authority to give any instructions directly yourself with regard to the conditions you find? A. I don't use the big stick, but my recommendations generally go.

By Assemblyman PHILLIPS:

Q. Do you find any trouble with the men not using guards in your shops? A. Very little. So far as I have observed the men will use the guards when the guard has been installed.

Q. I suppose the men in the railroad shops are more permanent than in other shops in the State? A. A railroad man works for the railroad most of his lifetime. I would judge that to be true without any statistics to base my opinion on.

By Chairman WAINWRIGHT:

Q. Have you got any suggestions to make to us along these lines? A. Only this, Mr. Commissioner: I don't know that the suggestion which I am about to make may be enacted into law, but if it can be, and I submit to the Commission that question, I believe it would be advisable. As I infer from your line of inquiry the principal object is to invent and install safety devices on dangerous machinery. I think that is all well enough, and I think it will, to a great extent, prevent accidents. I believe that there is the other line of thought that should be taken up by your Commission, if you think it can be enacted into law, and that is some plan of educating these

men. For instance, in Germany where the government has installed museums of safety and offers rewards for the invention and installation of certain devices and where, as a result, almost every kind of machinery has some safety device on it, and yet in spite of all that campaign of safety-device work, they estimate that from forty-eight to fifty per cent. of their accidents are preventable. That means, to my mind, one thing that the men themselves must be educated. There is no device that is safe in the hands of an unsafe man. It seems to me that if it were possible, it might be advisable to establish some bureau which could reach these men who do this work and man these machines, either by personal attention by lectures or by booklets and other printed instructions. That is one suggestion, it seems to me, that it would be practical to carry out.

Q. And you attempt to do that with regard to the employees of the New York Central system? A. Yes, sir. Now, we have some of our most serious injuries on the best protected machines. During the last ten years statistics from the Interstate Commerce Commission show that accidents have been constantly increasing in proportion to the number employed. I have not the statistics here, but I think, if my memory is correct, about ten years ago we were injuring one out of every seventeen of our railroad employees; now we are injuring one out of every eight.

By Assemblyman PHILLIPS:

Q. Operating all over the United States? A. Yes, sir.

Q. Do you think that would be fairly typical? A. The proportion indicated in that statement is pretty accurate. Now, we have a lot of safety devices and we are increasing them, but we are not increasing the education of the men. Another suggestion that I would respectfully make is this —

By Chairman WAINWRIGHT:

Q. May I ask, do you think in railroad-ing there is any difference in this plan to-day and then of enforcing your own rules, which would ensure the safety of the men? A. Well, I am coming to that now. I believe that the law should be more rigidly enforced, when a man has been guilty of criminal negligence. Whether that is in relation to railroad or industrial accidents. The fact is that if I take a gun and kill a man, I will be prosecuted; if I take a piece of machinery and kill a dozen men, I will be summoned to the coroner's inquest and then released, and if you work for the factory you will perhaps get your pay for the

time you go to the inquest to tell about it. To illustrate: Our Batavia wreck which some of you gentlemen around Buffalo recall happened regardless of safety appliances; it happened in spite of the most perfectly working safety devices that human ingenuity can devise, but that engineer neglected those devices which had been installed at the cost of thousands of dollars for the protection of human life, collided with another train and killed five men.

By Assemblyman PHILLIPS:

Q. And the engineer was an experienced man? A. An experienced man, and that is all the more reason. The engineer is not working for the New York Central to-day, but he is not in jail. I believe the law should not be more rigidly enforced in regard to the man who makes an honest mistake — not that — not with regard to the man who neglects some little insignificant rule or regulation, while the man who in the face of every rule and regulation goes bullheadly on and injures or kills a man — he should be dealt with accordingly.

By Chairman WAINWRIGHT:

Q. Suppose he neglects some precaution involving only his own safety? A. There is a law punishing a man for committing suicide, but if he does you can't do anything to him.

Q. How about the guarding in your shops, or the placing of machines too close together; you have taken up that problem? A. Yes. That is a difficult problem to manage, though.

Q. As your work increases there is a tendency to stick in a machine where you can find a place for it? A. Very naturally.

Q. Do you use shafting in most of your shops? A. In most old shops.

Q. How about the new shops? A. To a great extent we are installing motors.

Q. Is it safer? A. It is generally considered so.

Q. Do you know anything about the relative cost of the two? A. No, sir; I don't.

Q. You have not taken up that phase of it? A. No, sir.

By Professor SEAGER:

Q. Do you find any difficulty in getting in touch with the latest safety devices; taking up the State museum idea, would that be of any help to you in your work? A. I think so. I have been attending the meetings of the museum of safety in New York and got a number of good suggestions, and I expect within a few days to visit a great many different plants and railroads in the

country and try to get some suggestions from their methods of doing business.

By Chairman WAINWRIGHT:

Q. Does it strike you that it is practical for the State itself to have an institution like that? A. I think if they did so it would probably have to be in connection with the Public Service Commission, and some practical railroad men be given charge of that particular line of work. Railroad-ing is more or less a business in itself, and to accomplish any great good I believe there should be a railroad department or branch established.

Q. I was referring more particularly to the shop part of the work? A. Undoubtedly we get a great deal of benefit from inspections as at present conducted, but if you attempt to extend that to the operation of the road in general it would be quite a serious undertaking.

Q. You are familiar with museums of safety then, on the other side? A. In a general way.

Q. Any other further remarks? A. I would like to say something with regard to the safety guards over circular-saws. This is a little ideal. The matter came up here and I would like to call the attention of the Commissioner of Labor to it especially. A circular-saw is one of the most difficult things to guard we have. Recently in making an inspection of our shops I was told by two of our foremen that the inspector from the Labor Department rather authorized or suggested a form of guard that is fastened to the wall and fixed on a slide so as to go up and down. I don't think that guard is worth anything at all. I think it is more a detriment than a protection. It will never be of any use at all.

The Commission adjourned to 2:30 P. M.

AFTERNOON SESSION.

HENRY RUMRILL.

By Chairman WAINWRIGHT:

Q. What is your official position? A. Deputy building commissioner of the city of Buffalo.

Q. Your department has charge of the enforcement of all laws with relation to building operations in the city of Buffalo? A. Yes, sir.

Q. How much of a force have you — of inspectors, whose duty it is to inspect and report progress? A. You mean in districts throughout the city?

Q. Yes. A. They vary from seven to twelve. It will depend upon the amount of work we have in hand.

Q. What are the qualifications of men required in those positions? A. Generally civil service men. They have to pass an examination — or qualify in an examination.

Q. Do you know in a general way what practical qualifications are required for that work under the Civil Service Rules? A. No.

Q. In other words, is it required that they are men who have experience in buildings? A. I assume it must be so.

By Professor SEAGER:

Q. Have they sure tenure of office? A. Oh, yes.

Q. Is it permanent? A. Under good behavior and attention to their duties. They are protected by the civil service.

By Chairman WAINWRIGHT:

Q. What are the duties of these men with regard to the inspection of building operations; how constant is the inspection of different buildings? A. That all depends on the amount of work in their particular district. They are supposed to cover their district as often as they can. When there is a great amount of work sometimes they won't get to a building I suppose more than once or twice a week; but if the work is not of any great amount they can give a more careful inspection to the building in their district. They are supposed to cover their district and keep covering it.

Q. Those men are required to familiarize themselves with all the provisions of law? A. They are required first to familiarize themselves with the ordinances, and then where plans and specifications are filed they are supposed to familiarize themselves with those plans and specifications which are on file in the bureau of buildings and see the best they can that those plans and specifications are carried out.

Q. And how about the provisions of the State law with relation to the construction of buildings — the State law as to protection to see that it is enforced? A. By first informing the contractors where the work is going on, and if that is not sufficient by reporting to the office, and we send a copy of the State law to the contractors informing them of those provisions.

Q. The inspectors are always provided with copies of the State law? A. If they are not they can always get them in the office.

Q. Do they make frequent reports of violations with regard to the flooring? A. No. In connection with the amount of work done here in Buffalo we have very

few violations; very few reports regarding flooring.

Q. Regarding hoist ways? A. More in regard to the flooring; very few complaints in regard to hoistways. Such complaints as we have had generally refer to the covering over where iron and steel construction is used; covering over the floors so as to protect the workmen below.

Q. That has been called to our attention as being the most frequent cause of accidents in high buildings. Our complaints have been mostly of that kind.

Q. What would you say as to the observance of the law by contractors in that regard? A. Very much observed in Buffalo. We have had no occasion to bring any prosecutions. The second notice, generally the first notice has been sufficient and the second notice has always been obeyed.

Q. So would you say generally that the law, particularly in its provisions as regards safety, is pretty generally observed here in Buffalo? A. So far as it has been brought to my attention, I should say it was.

Q. How about complaints from employees with regard to the safety of their surroundings? A. We have from time to time, upon receiving a complaint of that kind from anyone, followed it up by an inspection, and if we find a complaint is well founded, then we take action immediately.

Q. You do that from time to time? A. Yes, sir.

By Professor SEAGER:

Q. Have you a tenement-house department separate and apart from the building department? A. The enforcement of the tenement-house is with the health department. That is, they pass upon the plans and specifications so far as it pertains to the State Tenement-House Law.

Q. Do you ever have any difficulty because the authority of your department and the health department overlap? A. No, we have never had any. Generally act together to avoid any friction.

Q. Now, on the question of the adequacy of the present law; have you any suggestions as to whether the present law is as reasonable and proper as it should be? A. That is a question I would not answer off-hand, because I have not given it any particular attention.

Q. Not any points that have come to your attention in that regard? A. Not at present.

Q. That you think ought to be investigated and studied? A. No, I have not anything in mind at the present time.

Q. Do your reports show anything in re-

gard to the accidents that happen in the building trades and causes of accidents?

A. Where we have any trouble in the past with the buildings we have generally made an inspection, and we have a report in the office in connection with the same.

Q. Ever have any trouble in enforcing the regulations with regard to scaffolding?

A. You mean scaffolding during erection?

Q. Yes. A. No, very little trouble.

Q. Are your inspectors required to make a report of each inspection of a building as to what they find, or do they only report when they find something to call to your attention? A. That is all. They have a daily report to make, stating they have visited these buildings and they make a special report where they find anything wrong they want to call to the attention of the department.

Q. Their daily report shows the buildings inspected? A. Yes.

Q. Do you ever test the scaffolds? A. No.

FRANK T. COPPINS.

By Chairman WAINWRIGHT:

Q. Mr. Coppins, your business is what? A. Painter and decorator.

Q. What is the nature of the accidents that happen in your work? A. Men fall from scaffolds.

Q. Due to lack of railing is it? A. No.

Q. The scaffold breaking? A. If you speak specifically of the outside swinging-stage scaffold, I don't think we have had an accident on the swinging-stage scaffold.

Q. What kind of scaffolding does your accidents happen on? A. Usually the scaffolds erected to decorate churches or buildings.

Q. What is the cause of these accidents? A. Sometimes defective scaffold, and I should judge from my experience that the larger portion were due to the carelessness of employees.

Q. The scaffold breaks, gives way? A. It sometimes does; yes, sir.

Q. Do your foremen inspect their scaffolds? A. They are supposed to.

Q. Do you have any method of determining whether a scaffold will stand four times the weight as the labor law requires? A. I am not sure about the law. I know we are very careful about the scaffold. We have a set of rules placed upon the walls of the establishment telling the men to be careful and to examine and determine the strength of the scaffold after it is erected.

Q. If a foreman directed men to go upon a scaffold and do some work you

would hardly expect the men to inspect the scaffold? A. No.

Q. You would expect them to follow instructions? A. I would expect them to. I remember an instance after the scaffold had been erected, not a high one either, the men changed it when the foreman was not cognizant of it and caused an accident, weakened the construction.

Q. Have you any suggestions to make as to the prevention of accidents in your work? A. No more than what we have. We try by every means possible known to the trade to have our scaffold erected and our ropes and tackles examined and overhauled frequently, so as to prevent accidents.

Q. You have men inspect the ropes? A. We make an inspection of the ropes every year to see they are all right.

Q. They will stand a year then? A. They should, if they are gone over by an expert. We have all ladders and standing scaffolding inspected, overhauled and repaired every season during this time of the year.

By Professor SEAGER:

Q. Is that customary with the trade? Would you say that all contractors do that? A. I am not sure about that. Of course, we are a large establishment, and it pays us to have men go over all the apparatus and examine them thoroughly with a hammer to see if there is any decayed wood; then they are all painted and lettered and ready for the rush in the spring.

By Chairman WAINWRIGHT:

Q. Do you agree with the Commissioner that so far as your general observation goes that the law with regard to safety in building operations is fairly observed here in Buffalo. A. I think so. There is only this question in regard to the swinging stage. My own men feel that they would be safer without the guard on the back.

By Assemblyman PHILLIPS:

Q. Without the rail? A. Yes.

Q. Why? A. They feel then they will have to be careful, and they are not so sure about that rail. I know for several years after it was introduced they would not use it until I compelled them to, because I wanted to observe the law. My own men, the scaffold men, feel that they would prefer to have it without the rail.

Q. Does the department here in your observation pay particular attention in their inspections to the regulations with regard

to safety? A. Yes, sir, in my judgment they do.

CHARLES G. FEIST.

By Assemblyman PHILLIPS:

Q. What trade are you engaged in? A. Carpenter, building, and planing mill.

Q. What is the name? A. John Feist & Sons Co.

Q. A corporation? A. Yes, sir.

Q. You do all your mill work? All your own work? A. Yes, sir.

Q. All of the trimming, etc.? A. Everything, yes.

Q. How many employees have you in your mill? A. In the mill about fifty.

Q. How many saws are there? A. We have about ten saws.

Q. Do you guard your saws? A. The best we know how.

Q. Do you guard your band saws? A. We have a box covering the lower wheel, but nothing above except the strips guarding it where a man's hand comes into contact.

Q. Don't you put a box around the upper wheel? A. No, we could not. The saws are changed a good many times during the day.

Q. Some firms have a box covering the upper wheel, and coming down so as to cover the saw where a man's head would come into contact with the box, or rather the saw. Could it come into contact if it was guarded? A. No. It is protected with both wheels.

Q. Do you mean you use a guard? A. We have a guard; we use a guard about the thickness of the saw; comes over the top of the saw. I don't recall the name. We have had some guards the men would not use. Every chance they got they would take them off. They could not get the lap to come together properly. They could not saw their board.

Q. No difficulty with the new? A. No difficulty.

Q. They can see their work? A. Very clearly.

Q. How does that operate so they can see the work? A. By fastenings over the back side of the saw, so if a man gets in close connection with the saw it won't hit him.

By Professor SEAGER:

Q. Open on the sides? A. Open on the sides, guard over the top. We have had several guards which were very impractical. Could not use them at all.

Q. You don't recall who manufactures the one you have now. A. No.

Q. Is it a new device? A. No, we have had it a number of years.

By Mr. LOWE:

Q. Is the guard flexible? A. No, it has to be set.

Q. Your planers, jointers and shapers are guarded? A. The shaper is not. We have never yet ran across a device that we could use on our shaper that is practical, but our jointer is guarded, but the men will not use them.

Q. Why? A. They don't like them.

Q. On the ground of safety? Or only because they are in the way? A. No, simply try to do without them.

Q. Did you enforce their use? A. Yes, saw the necessity of it.

Q. Did you ever discharge a man for not using them? A. We have had very few.

By Professor SEAGER:

Q. Is it your impression that they do interfere with the work? A. It is the men. They are used to using the machines without them. They would rather get along without them. We have men who have used these machines fifteen or sixteen years, and they would rather get along without them.

By Mr. LOWE:

Q. Are your men employed by the day? A. By the day every one of them.

By Assemblyman PHILLIPS:

Q. Now, in your construction work do you inspect your scaffolds? A. Very thoroughly.

Q. Who inspects them? A. Our superintendent.

Q. The superintendent on the job? A. The superintendent in charge of the building.

Q. Does he have any method of testing the weight they will support? A. Only using ordinary care to keep his supports near enough together.

Q. You have no practical way of testing as to the weight they should stand, four times the weight that is placed upon them as the Labor Law requires? A. No.

Q. What is the nature of the accidents in your mill? A. We have had very few in the past ten years. The most serious one we have had in the past ten years is a young fellow crushing his finger.

Q. Was there a guard on? A. That was all due to the carelessness of the young fellow. He stood with his hand on the back of the machine and the board coming through pinched his hand between the roller and the board, crushing his finger.

Q. He was working at the machine taking the boards as they came through? A. He was not looking at the machine; he was stargazing.

Q. How are your accidents in your building construction work? A. We have had very few in those.

Q. Do you do any work around steel frame buildings? A. Our work would not come until after that was all removed. It would come on the interior trim.

By Professor SEAGER:

Q. How do you find the factory inspection force of the Department of Labor — helpful? Do the inspectors make helpful suggestions? A. They have made some suggestions that we have carried out. They inspect our plant perhaps twice a year.

Q. Have you any suggestion as to the improvement that might be made in the efficiency of the force or is it fairly satisfactory? A. Fairly satisfactory, as far as we know.

Q. Do you carry liability insurance? A. Yes, sir.

Q. Do the inspectors of the insurance companies visit your plant? A. Once in a while.

Q. Do they help you more than the inspectors of the State? A. They all make practically the same suggestions, which have been carried out to the best of our ability.

Q. In your case you rather keep ahead of the inspectors? A. Every time.

By Assemblyman PHILLIPS:

Q. You use belting and shafting in your mill, or electric drive. A. Yes, belting.

Q. Have you ever considered the proposition of changing to electric drive? A. No, we have too much power. We have a big 250 horsepower engine. We would not think of changing.

Q. The point is that it has been suggested that it would do away with that element of danger. A. We have our belts protected as far as possible where they come up through the floors boxed in, and those that run to the machines on the lower floor are boxed in, so far as we can do so.

Q. Do you have any trouble with your shafting? A. All our shafting is boxed in.

Q. Have you any suggestions to make as to preventing of accidents? A. Only due care on the part of the men in some cases. We had an occasion — we had a scaffold some time ago that broke. Two men were working on the support, put the best kind of plank on it for scaffolding. While the two men were working two other men got on the same plank and it broke;

only fell about six feet. Common sense ought to have told them that four men ought not to have gotten on one plank.

Q. Their mind was on their work rather than on the plank. A. That is where their mind is one-half of the time.

Q. They are thinking about the work they have to do, and forgetting they may not be standing on very safe ground? A. Perhaps.

C. L. YORK.

By Chairman WAINWRIGHT:

Q. What is your occupation? A. I am an engineer in charge of the safety department of the General Electric Company.

Q. Mechanical engineer? A. Yes, sir.

Q. Will you describe to the Commission briefly the plan recently adopted by the General Electric Company to secure greater safety in their operations. A. The General Electric Company have several plants, as is well known, and in each one of their plants they have an inspector. They have formed a committee of safety of the general office at Schenectady, which is the headquarters, and about once a month these inspectors and Committee, they meet at the different plants and discuss all of the latest appliances and make an inspection of the plant, with suggestions for future guarding.

Q. And I understand that a position has been recently created in Schenectady, which you occupy. Will you describe, as that position is occupied by you, what the duties of the position are? A. My particular duties are the inspection of our plant, as well as the other plants of the company, and approval of any devices that may be created.

Q. How many men are employed in the Schenectady plant? A. Usually about seventeen or eighteen thousand; there are now about fourteen thousand men in the Schenectady plant.

Q. In a general way, how are they divided, between the different—the metal and woodworking and the different kinds of operations that you conduct? A. How must I interpret that?

Q. I mean to say, give us the number of men in the different kinds of shops? A. That is a pretty hard thing, to say just how that is worked. We possibly have in the woodworking department, we may have four thousand, that is, men handling woodwork, and the rest of them are all given over to machinists, moulders and bench workers.

Q. It is your duty to keep these shops under constant inspection particularly with regard to safety, and where you find a machine or a set of machines in which acci-

dents may occur, which you think may be guarded, what do you do? A. Order them guarded.

Q. Directly or simply make recommendations. A. I have full authority to go as far as I care to.

Q. As to selection of the proper kind of guards, and the ordering it put on. A. Yes, sir.

By Assemblyman PHILLIPS.

Q. And employing the men to do it. A. Yes.

Q. Since you have held your present position what kinds of machines have you had guarded, which have not been guarded before? A. One of our principal machines which we have very many of, is lathes, ordinary engine lathes, and the back gears of a lathe should be guarded, and the end gears. A great many accidents which we have had happen from getting the fingers in the back gears, particularly in screw cutting. In screw cutting a man tries to stop his machine very often, and if it does not stop soon enough he will put his hand over it to try to stop it, then he reverses it and gets caught in the back gears. In the end gears very often a man gets his clothing caught there. In passing by he is apt to stop and put his hand on it.

Q. Any kinds of saws ordered guarded? A. Yes, sir we try to guard all our saws. We have tried several different kinds, some successful, some not. Some of the jobs on a saw require an individual guard for that particular job. Some of the work is of such a variable nature that it is necessary to make a guard for that job, and where our production is so high that it would keep a man on the job six months we will say, we completely cover that saw, so it is impossible for him to be injured.

Q. Has there been any way of determining whether this system which the company has put in force has actually resulted in a decrease of accidents? A. Oh, yes. It is a noticeable fact that our machine accidents have decreased.

Q. Can you illustrate that by figures? A. I think that I can safely say that our machine accidents have decreased 75 per cent. I feel that I can safely say that.

Q. What in your judgment—have been and are the most fruitful causes of accidents in your shops? A. Carelessness for one thing, getting the clothing caught in the machines.

Q. Unguarded gears, and unguarded saws? A. Unguarded gears have been the principal causes of our accidents, and while we try to keep our saws pretty thoroughly

guarded the men will take the guards off, and we prescribe a punishment for them in case they take the guards off.

Q. What is it? A. However serious it may be, we give them from one week lay-off to a discharge.

Q. That is an invariable rule? A. We have to judge it on its merits, what the reason for putting the gear off was and why it was left off. We have on two or three occasions laid men off for a week or so. The company feels that if they are willing to spend the money for the guards they're bound to have them on and insist upon it by a punishment.

Q. What other measures do you take besides the guarding of the machines to insure greater safety. A. We try to educate them. I have gone around personally among the men and got them interested, promised them a little reward, not much, and requested them that if they would create some guard to be used not necessarily a universal guard but anything that can be used for the job. In one department particularly I have been very successful. In one month's time I had as many as fifteen returns. I got all the inventors in the place busy, some good, some very bad.

Q. Did you ever get the men together and talk to them about it? A. No. The men do not take kindly to any such treatment as that. If they have any time to spare they want it to themselves. They don't want to be called into the noon hour. I think you could interest them more by going to them personally, showing them a sketch than you would by getting them into a crowd and talking to them.

By Chairman WAINWRIGHT:

Q. Have you any suggestions to make to this commission as to how the law may be changed to secure greater efficiency and safety? A. I don't care to commit myself as to legal measures. I would rather the management of the company I represent would make mention of that.

Q. How do you guard against stamping and punch presses? A. We have several methods for guarding; wherever it is possible on large orders, productive orders we have automatic feeding devices, that is, the laminated punches. Where we can run a long sheet through we have a feeding device for that purpose, where it is necessary for a man to operate a machine by hand we try and put on a device to prevent repeating, which has been the cause of most of our accidents, on punch work. The break band is liable to slip and prevent the clutch from catching so we have tried two or three devices, some very successful. We have

some devices which make it impossible to repeat. On our smaller punch presses we have gates working automatically on the shaft so there is not any place for the hands. This gate forces the hand away. We have found that very successful. Since they have been installed we have never had an accident. Before that we averaged three or four accidents a week, getting their fingers caught in the presses. We have never had an accident since. One particular punch press used to cut mica some five years ago, and we put that device on. Before that there was an average of three or four girls who operated those getting their fingers caught. We have never had an accident since. With them it is impossible to get caught.

By Chairman WAINWRIGHT:

Q. You have not all your punches equipped with that have you? A. No, we have not. Some of them it is impossible to put those devices on. We have got to build a device suitable for the work.

Q. So you have not been able to find a device that would cover every kind of press operation? A. I don't think there is a universal device for punch presses in existence that is satisfactory.

By Assemblyman PHILLIPS:

Q. Does your authority extend to matters of overcrowding and respacing? A. Everything.

By Chairman WAINWRIGHT:

Q. And lighting? A. Lighting for excavations through our car yards there.

Q. Have you done anything with regard to better methods with regard to piling of material. A. I have issued some instructions to the foreman regarding piling.

Q. Do you consider that a dangerous matter? A. I do in some cases.

Q. Have you secured better methods in piling through that? A. Oh, yes. The secret of the whole thing, it seems to me is to educate the men and the foremen. It has been a hard job. One thing we are going to try and accomplish—we have an apprentice class there, to give the boys a four year course, and while we have not got control of the men in the shop, we own the boys body and and soul and we want to try to establish a standard line of clothing. We find the clothing is one cause for accidents, and we want to do away with the wearing of neckties, loose sleeves and aprons, and we are going to try and prohibit them from wearing them. By doing that possibly it would become contagious among the men. Finger rings are another

cause of accidents, which we are trying to discourage the use.

Q. Of course you feel that the creation of this office with the proper man to fill it is going to improve the conditions in the General Electric Company's plant? A. I think it will. It has proven itself so far.

By Professor SEAGER:

Q. There is a great many cases of emery wheels bursting? A. We have had a great many wheels burst the past few years, and we have established a certain peripheral speed, so while the manufacturers allow five thousand wheels peripheral speed, we have cut that down to 4,500, and for a ring wheel we allow four thousand wheels, and a cup wheel, we allow a peripheral speed of 3,500 wheels. Those speeds have been tried out and found to be safe speeds, and they will cut just as well. There is an impression that the higher the rate of speed the better the cut, that is not so, you can get beyond the cutting limit.

By Commissioner WILLIAMS:

Q. That sustains the statement made by Flynn. I would like Mr. Chairman, to ask Mr. York if they have adopted any definite system of machine tool inspection? A. How must I take that, Mr. Commissioner? If we have attempted any method? I said a short time ago that we had. That I inspected all the machines as I came out, and anything found unprotected I ordered guarded immediately.

Q. Have you adopted a plan whereby every machine is inspected at a certain time to determine whether it is in proper working order? A. No, we have never done that.

Q. The question was suggested to me by what I saw in a plant this summer. There was a card attached to every machine in the shop, and every machine was examined once a day and an entry made on the card, the time of the examination and the initials of the person who made the examination. That card covered a period of one week, and became a permanent record of the examination of the particular machine to which it was affixed. A. We never attempted to do anything like that. It would be a difficult thing in a plant like having nine thousand machines.

Q. Quite impossible for any one man to do it? A. It would depend upon the men themselves. If they find a machine is out of order they are not supposed to run it. There is no policy in running a machine out of order. You can't produce the goods upon it. And the company don't want a man to run a machine that is out of order.

They will either give him another machine or pay him while it is repaired.

Q. Any women working on that stamping press? A. No, sir.

Q. When a stamping press gets out of order or the work binds, does not release by the motion of the machine itself, have you a rule that prohibits the operator from trying to release the work. We have never established a rule like that; as far as a releasing wheel is concerned, we have a rule that they cannot tamper with the machine in any way, and we consider that repairing the machine comes under the same head. They sometimes fix it themselves with a screw driver.

Q. Do they sometimes get caught when they do that? A. We have not had any case of that kind.

Q. Speaking of gear covers or guards, do you approve of a gear cover that covers the wheel in part, I mean covers the tool party of the wheel? A. No we cover the whole wheel.

Q. You go all around the wheel? Do you cover up the spokes; you might cover up the mesh portions and then get your hands in the spokes? A. In large gear we are trying to cover them as fast as we can cover them with plates.

N. B. LUDLUM.

By Chairman WAINWRIGHT:

Q. You are connected with the Lackawanna Steel Company? A. Yes, sir.

Q. In what capacity? A. In charge of the safety department.

Q. Will you describe to the commission the provisions that the Lackawanna Steel Company makes to insure safety, the organization of your department, and everything? A. We have this department, which is as distinct as any other department in the plant, reports to the general superintendent. We have inspectors throughout the plant who do nothing but inspect machinery, and in fact all portions of the plant, not only machinery, but walls, canals, everything, in connection with the plant, and report to the head of the department every day in writing what departments they have been in, what they have discovered, and they are instructed to report not only those things that they consider absolutely dangerous but those things which might possible be dangerous in their lines.

Q. These men have nothing else to do but that? A. No, sir.

Q. How many of them are there? A. We have two mechanics, two journeyman mechanics that do inspection most of the time, and where they see any little thing

that requires immediate attention where the condition is more or less acute they make what repairs are required, providing it does not take them from their duties too long. Then we have two other men who are not full-fledged mechanics but inspectors.

Q. What has their experience been? A. The two older men I speak of have had about a year's experience in our plant.

Q. Men of technical education? A. No just practical. Then I have an assistant who spends part of his time as an inspector and I do some inspecting myself.

Q. What has your experience been? A. I have been with the Lackawanna Steel plant in this capacity eight years.

Q. And prior to that? A. I was in the railroad business in a similar capacity.

Q. Then you consider yourself a practical man? A. Yes.

Q. How many men does the Lackawanna Steel Company employ? A. Normally about seven thousand.

Q. And what is the nature of the work done in their works? A. The manufacturing of nearly all steel products that is, fire steel products, rails, structural steel, sheeting, bars, etc., also some fabricating, but not very extensive in the fabricating.

Q. Have you any authority yourself to issue orders to guard particular machines? A. Oh, yes. I have absolute authority.

Q. You have heard Mr. York, who has just testified? A. Yes, sir.

Q. Your powers in the Lackawanna Steel Company is as his in the General Electric Company? A. I should think so. I have authority to order any changes made in the guards, put on any safety devices that I see fit. If the head of the department takes exception why we settle it with the general superintendent or get him to settle it for us, and he seldom looks into the thing very extensively. He says "Go ahead, and put it in."

Q. Do you keep any accurate statistics of the accidents? A. Yes.

Q. Are you personally familiar with these statistics? A. No, I am not. But I have the book records in my office.

Q. Are you able to say whether that system that you speak of has resulted in any considerable decrease in the accident rate in your plant. A. The system while it might not have been as efficient in the beginning as now has been in existence since the commencement of the plant. About seven years ago we were fortunate enough to get a president and a vice-president and general superintendent, all from the Illinois Steel Company, Mr. Clark, Mr. McCullough, and Mr. Downs, and they brought with them some wonderful ideas about protection of the workmen,

and they have put them into effect very materially.

Q. What were some of those ideas? A. Oh, our plant did not go into full operation until about seven years ago. Prior to that time the work done there was mostly construction work. We had a good many accidents due entirely to construction, and those accidents that numbered a great number, were overcome very materially after construction ceased, and we went on operation.

Q. Generally speaking what measures did these gentlemen put in force? What system did they adopt? A. They insisted on the covering of all gears whether they appealed to the safety inspection or the foremen of the shop where they existed, as being dangerous or not. Up to that time the idea of a dangerous gear was that if it was put up out of the way where a man did not go ordinarily it was not dangerous, but they have insisted on gears of that kind being covered and similar conditions that at that time not only at the Lackawanna Steel Plant, but all over the country did not appear as dangerous as they have later.

Q. You have the stamping presses in use have you not? A. Punch presses?

Q. Yes, punch presses? A. Yes, we have them but they are not on a very large scale. Punch sheets from a quarter of an inch up to two inches in thickness.

Q. Is it possible to guard those. A. They are guarded by the plate that they are punching, and the men have no reason for getting their hands or any part of their body anywhere near the punch, and then the punch is a punch which falls by gravity.

By Assemblyman PHILLIPS:

Q. Like a drop hammer? A. No the punch is loose in the socket and it falls by gravity onto the point made by the hand of the mechanic to mark the place where the hole is to go, and the plate is worked in by several men, three or four men sometimes, then when the plate to be punched is in place, this punch is forced down through the plate. We have no punch machines where the punches work up and down whether they are being used or not.

Q. The most frequent causes of accident in your shop are what? A. I am frank to say that the accidents that we are having now are more through fool-hardiness than anything else.

Q. What kind of work and on what kind of machines? A. For instance one fatality that we have had this year was caused by a man taking his time slip given him by the foreman in the room, the dis-

tribution time slip that each man has in this department. He put it into a switch box and forgot to put it in the regular place for putting those slips at night. The next morning on his way to work he reached into this box, and in some unknown manner had his hand get onto the switch and was electrocuted.

Q. That was an accident from an unusual cause? A. I don't recall any similar case.

Q. I was generally speaking, — what kind of work in your shops are men most apt to be hurt? A. Well —

By Assemblyman PHILLIPS:

Q. How many accidents do you have there? A. We will average where men lay off one day or more, we will average two a day. For the last three days, the first three days of this week, we did not have any.

Q. How do those accidents occur? What kind of work? A. They are pretty well distributed through the departments. I don't believe that I can mention any one that will have more accidents than another. Against the general idea of steel mill work our blast furnaces have very few accidents. We have some accidents occurring in the handling of iron ladles, but we have very few accidents around our blast furnaces.

Q. Your buildings have cranes? A. Yes, sir.

Q. Any accidents due to their use? A. You refer to locomotive cranes or overhead cranes.

Q. Overhead? A. The only trouble we have without overhead cranes is occasionally some one gets up on the runway and not notifying any one at all they are up there.

By Assemblyman PHILLIPS:

Q. Do you have anything that precedes the crane like a fender? A. Most of our cranes are equipped with a guard installed as fast as we can get them, on both the overhead cranes and the cranes running on the ground.

Q. All have a signal? A. All equipped with bells and a light also on the crane.

By Senator PLATT:

Q. Do you have many injured by articles falling, or the breaking of chains or ropes? A. No we don't now. We had about two years ago. We had an epidemic, a sort of an epidemic in what we call our "Slab Yard" or yard where the hot slabs come out on the small cars, and are put into piles with a large ten ton crane, and we immediately put into an effect an arrangement whereby the crane chains of

which we have a good many, in use are annealed. We have a regular annealing box. The cranes are annealed regularly every thirty days. Then whenever a chain breaks or needs repairing it goes to the forge. There is a standing order that a chain is not to go out until it has been annealed whether it has been annealed before or not.

Q. Does that decrease your accidents from chains? A. Oh, yes, very materially. We find that some steel chains had worked in on us in some manner, I could not find out how, but we got them, and we get our chains from one manufacturing concern and they are all iron chains absolutely.

Q. Do you specify that your machines must be guarded as they are supplied to you by the manufacturers? A. Yes, sir, we don't install them unless they are properly guarded. We don't install them unless we have runways on them.

Q. Have you any regulations with regard to the use of guards by which the men are discharged if they don't use guards provided for them? A. No. If we attempted to discharge men, and lay them off for not using guards and for taking guards off the machines, we would only hire a man into the fellow's place, that would do the same thing.

Q. Do you know any way that you can make men use the guards provided for them? A. The department in which we have the greatest trouble in that respect is in our pattern shop, and I walk through there occasionally and call all the men together and show them the guards that happen to be off, and show them the dangers in that practice, and every machine is supplied with a notice that any one not using the guards will be dismissed. We attempt to follow that, but we would have half our shop off if we practiced it.

By Senator PLATT:

Q. Why do they remove the guards? A. They think they can work handier and better with the guards off than on.

Q. Do your men work by piece work or by the day? A. By the day. We don't have any piece work.

Q. Have you any suggestions to make to the commission as to what can be done by law to secure fewer accidents? A. You mean the actual machine itself, the appliances, etc. I have not anything in mind. We are very thoroughly guarded out there by the State inspectors that come out. I guess our local inspector is out there on an average of every three weeks, every month on special trips and then twice a year he comes out and makes a regular inspection.

Q. Have you found his suggestions have helped you in your own work? A. Very materially, yes, sir. In fact I find that any good practical inspector from anywhere else is a very great help. He sees things that are so common to our sight that we don't realize any danger in them, when possibly an accident might occur. We feel that the Lackawanna Steel Plant, that we have gotten now where we need to make things fool-proof, fully as much as accident proof. We have so many accidents that are the result not only of carelessness but fool-hardiness on the part of the employee. Speaking of the crane runways and the accident rate, the last serious accident we had was caused by a man. It resulted in the death of a man who was told to replace a broken window lights in the lower windows of one of our engine houses. He was given a supply of glass, putty and a short ladder, when he got the thirty-five or forty lights placed down below he went up on this crane runway, some thirty feet from the ground and started putting in lights up there. He was hit by the crane knocked off and killed.

Q. That is an accident that could not be prevented? A. We don't know of any way we could have prevented that.

By Chairman WAINWRIGHT:

Q. Have you any further suggestions that will help us in our inquiry as to the causes and prevention of industrial accidents? What are the most fruitful causes of accidents in this city and what can the State do to prevent them by law or otherwise? A. I have for a long time entertained an idea that may not appeal to you and may be out of order at this meeting. We are not bothered so much now as we have been, as we were some time ago with minors. There is an absolute order that nobody shall be employed on day turn under sixteen years of age, whether he works seven or eight hours a day or ten hours a day and nobody should work on what we call our night turn under eighteen. That is not only in accordance with the law, but it goes further than the law requires. And to determine these fellows ages sometimes is pretty hard. Sometimes they are not born in this country, and sometimes their births are not recorded, and occasionally we are forced to turn down a good-looking chap and take his father's or mother's sworn affidavit. We have had cases on record where we have had personal injuries and been called on to settle on a legal basis, because the parents deny his affidavit, and they claim that the child is incompetent, a minor is incompetent to do the work he was put to do, and his incompetency causes an injury, but when he was

looking for this job they gave this affidavit, sworn to before a notary public or other competent officer that he was within the legal age. It always appeals to me that the fellow that makes that affidavit ought to be punishable.

By Commissioner WILLIAMS:

We passed a bill last winter, Mr. Chairman, making it a misdemeanor for any person to submit a false statement with reference to the age of a child or minor but the Governor refused to approve it because it changed the law, virtually changed the law, relating to perjury. It made perjury, if committed in a certain class of cases a misdemeanor, while it is a felony under the present provisions of the law, and the Governor was disinclined to let down the bars.

By Chairman WAINWRIGHT:

In other words that is perjury now, but the penalty is too great to secure the enforcement.

By Mr. LUDLUM:

It may be, but from the opinions we have had, it seems we can't hold them.

By Commissioner WILLIAMS:

Q. Do you do any steel casting at all?

A. Yes.

Q. Have you got what you call a chipping room, where they chip steel? A. Yes, we do considerable chipping inside and also outside. Our steel castings are very large.

Q. Have any of the men suffered injury to their eyes in chipping steel? A. Occasionally we have had very few accidents inside from chipping steel, but some.

Q. Have you considered the advisability of requiring the men to wear some protection for their eyes? A. Yes, we have supplied them with goggles and various eye protectors, and they object to the glass. They said the glass would break. Then we put isinglass and mica, but we could not get them to use them. But we finally put a supply of mica goggles in the store houses with a standing notice that they can get them upon application without cost to themselves. The supply is right there, but we can't get them to use them.

Q. Would you favor a provision of the law that would enable the department of labor to prescribe certain definite rules governing the conduct of factory employees with special reference to their safety? A. Yes, I would: such rules as would be, of course, reasonable, rules that would, of course, be submitted and agreed upon.

Q. You heard what Mr. York said regarding the use of clothing; it sometimes tends to increase the number of accidents? A. Yes, it does. We have found occasion-

ally an employee will occasionally catch his coat or other loose sweater about a machine.

Q. Do you think the employee will take kindly to an attempt to prescribe a certain kind of coat or garment which would reduce to an attainable minimum such accidents. A. Well, in our place our industry is so varied we have so many classes of employees that I am afraid a uniform code of that sort would not apply. Around the blast furnaces they don't wear anything; and the fellows that are occupied on the ore unloaders in the winter time making repairs, they have on several garments we never wear.

Q. That would apply particularly to machine shops. A. Machine shops particularly, and to concerns where the work is confined inside of the buildings, but at our particular plant the temperature varies so at this time of year, it would not be so practicable.

Q. Any record of accidents kept by you, Mr. Ludlum. Have you ever taken the time to arrive at any conclusion or whatever you might call it regarding the nationality of those injured? A. Yes, I have.

Q. What bearing does that have upon the problem of accidents. A. Well, we find that the foreigners, that our accidents occur more among the foreigners, than they do among our English-speaking employees; it tends that way. The difference is not very much greater, but if there is any difference it is that the greater number of accidents occur among the foreigners.

By Senator PLATT:

Q. What class of foreigners? A. We have mostly Austrians.

By Assemblyman PHILLIPS:

Q. Is not that partly owing to the fact that the dangerous, heavy work that an American would not do is given to them? A. Well, they do most of the hard work, although I don't think that would apply.

Q. Is it due to the fact that they are unable to understand the English language? A. No, because with us we have some one in every gang of foreigners that can talk English. We have to have not only for the prevention of accidents but to get the work out.

Q. Don't you think that they are more susceptible because of their inability to understand the orders that are given them? A. Well, the orders that are given the experienced labor that works for us are very plain. The work is not at all, it does not come at all under the head of skilled labor, it is all outside work and very little care is

necessary on their part, but they become careless and they get excitable if anything appears dangerous to them. For instance we had a fellow for months on top of one of our coke ovens. The coke is carried in a car operated by electricity with a trolley pole similar to a street car arrangement. About the time this car, which runs about four or five miles an hour, got within a few feet of where he was working its trolley got off the track. He looked up and deliberately jumped over into the coke ovens, a distance of about 12 feet, and broke his arm. He had worked up there about seven weeks, or in the neighborhood of two months, and was entirely familiar with the situation, and had seen those poles come off before, but his excitable nature caused him to jump right out into space. If he had stayed still he would have been perfectly safe. Nothing occurred at all.

Q. Don't you think that the foreigners you speak of will work under conditions that an American will not work under, and for that reason we give them less thought and care than men who would demand better attention? A. I don't think so.

By Commissioner WILLIAMS:

Q. You have a hospital on the ground, have you not? A. A dispensary; three surgeons on the ground.

Q. Every accident that occurs in your plant, serious or trifling, is reported to you and recorded? A. Yes, sir.

By Senator PLATT:

Q. You can tell at any time just how many occurred in a year and of what nature? A. Yes, sir.

Q. You issue instructions to the employees entering the service, and what is the plan? A. We have a book of rules which we supply to each employee when he enters the service.

By Commissioner WILLIAMS:

Q. Printed in how many languages? A. Each employee no matter what his nationality is, so far as we have been able to cover it with this book of rules.

Q. They sign the receipt for that book and are instructed to read it? A. Yes, sir.

F. C. BOLAND.

By Chairman WAINWRIGHT:

Q. What position do you hold? A. Business manager of the Blacksmiths and Helpers' Organization.

Q. You are aware of the purpose of this hearing to-day? A. Well I came up to

listen to find out, for to find out what was necessary to get any advice.

Q. Have you any advice to give the commission or the State Department of Labor with regard to accidents and their prevention. A. I can give some reasons, however it applies in my judgment. Take a blacksmith, which is mostly taken care of as a general rule. Pieces of steel that will fly and put out the blacksmith's or the helper's eye is mostly caused by incompetent help. A man is put with you who can't speak a word of English. He is put with you, and you have got to work with him or get out. The tools that is required for a blacksmith to use are more or less heavy, they get rolled over on the top of the head, and when the one using them is asked to fix up those tools there is no time for anything like that. They never get any time whatsoever as a general rule. That is one thing that is essential that should be stopped. I know cases in the New York Central Railroad shops that happened four or five years, where a man came in there that got his eye put out. The blacksmith had worked there for thirty years, and the man who had worked with him was there fourteen or sixteen years steady. That man quit, removed in some way, and a man was substituted. He was not a practical man. A man to help a blacksmith is supposed to be as competent in his business as the blacksmith. He is practically an assistant blacksmith. We have to get men in the City of Buffalo what has worked at blacksmith helping 35 or forty years, competent men. You can trust them. This man was brought forward and the man refused to work with him. The foreman made it plain it was a matter of working with this man or getting out. The man struck a piece out of the tool, and struck the blacksmith's eye; he may lose the eye. He is walking around the City of Buffalo. Another case happened last June. I didn't say that it was on account of the helper himself, but it was on account — he was an experienced man, the blacksmith was experienced. It was on account of the rolling tools not being kept in shape.

Q. How can that be prevented? A. By law or by any department of state. I would judge that if a law was enacted that all tools be kept in particular shape.

Q. Who would enforce that law? A. If a smith says a tool is not fit for use and he reports it to the foreman, and the foreman says, "Use that tool or quit." If he has a family or works a good many years for that company he will take the chances. That is about the way it goes.

Q. You speak of blacksmith shops now in connection with those large concerns, and they are under the inspection of the

Department of Labor, are they not? A. Yes, that is what I am speaking of, all blacksmith shops.

Q. Do you refer to blacksmith shops where they do piece work or day work? A. Day work, and piece work.

Q. The same lack of opportunity exists? A. The same thing. A thing what should be remembered is that of steel hammer in a blacksmith shop. I have worked at the business myself for twenty-eight years, and worked at all different branches of the business and I know in my experience that there is only about two-thirds of the hammers that are properly overhauled. I am speaking of my own experience. I reported to the foreman that a hammer was not working right, and he would say: "Run it the best you can, as long as you can." "If that drops I will kill somebody on this." "Well, then, go home." I have seen lots of cases of that description through the neglect that has offered because of not having an experienced hammer driver. There is lots of them in the blacksmith business don't begin to realize the fact that there is a whole lot of men in danger while a boy is operating the steel hammer.

Q. What is your suggestion along that line? A. I would suggest that all hammers in a shop regardless of whether it is a railroad shop or any place that those should be inspected at certain times.

Q. How often? A. They should be inspected at least once a month, I think.

Q. You mean by that inspected by someone outside of the concern itself. A. There should be a man. I have seen inspectors and I have had charge of shops where a man just walked through, just looked at it, that's all.

Q. Do the men generally know when the inspector comes through. A. They don't generally know. But sometimes I have noticed that the employer don't know.

Q. Do the men know? A. The men don't know the factory inspector was in or coming through the shop. We never know from time to another who is factory inspector in the city of Buffalo.

Q. Have you ever made a complaint to the factory inspector or attempted to do, either in the shop or out of the shop? A. Yes, sir.

Q. With regard to the unsafe condition of any hammer? A. Well, I have made complaints, that is, not exactly to the man myself, because as I say, I could not locate him.

Q. Do you mean that you could not locate the inspector. There is a factory inspector for this district, is there not, Commissioner, who lives here?

By Commissioner WILLIAMS:

Q. We have two here. Is there any difficulty in finding them out? A. Mr. Wilson I tried to locate for seven weeks and could not do it, and then I located him.

Q. Did you ever think of writing a letter to Albany to the Labor Department? A. I had the District-Attorney do so when I could not locate the parties.

By Assemblyman PHILLIPS:

Q. Do you think there ought to be a headquarters in Buffalo? A. Yes, sir.

Q. You mean to say you never recall any time that you knew at the time he was there that an inspector was going through the shops? A. No, sir, in twenty-nine years experience I never saw one inspector that I could recognize and say he is the inspector.

By Mr. SMITH:

Q. How did you come to know Mr. Ware? A. I never met him because I could never locate him.

Q. Supposing you knew the inspector was going through the shop, would you have any hesitation in going to him at that time. A. I never had the fear myself, but I want to give you, the Commission, to understand that any man what will go — I know that by experience, that you take nine out of ten of the men are afraid to offer any objections to any of these people, afraid of losing their position. I know that is a fact.

Q. Have you ever known of any man, anybody connected with your union or any other union who has gone with a complaint with regard to the unsafe condition of any machinery to the factory inspector from this district, and who has either gotten no instruction from him or who has been prejudiced in his position by it. A. Well, there is a lot of places what has been reported in the city of Buffalo, and in the district around the city of Buffalo in the past six or eight months, I understand, from different parts in the city and among this character, and they have never been complied with. The inspectors probably visit these places, but the requirements have not been complied with.

Q. Just mention some particular instance of that kind. A. That is you want me to mention the factories?

Q. I leave that entirely to you? A. I don't care about mentioning the factories publicly here. But I could give you people a record of these factories and give it to you in writing.

Q. The thing to do is to give the Commissioner of Labor an account of these matters, and send it also to us. If there are

any shops or factories that you know of here where orders have been issued and have not been complied with.

PETER G. SCHWARTZ.

By Chairman WAINWRIGHT:

Q. What trade do you represent? A. Molder.

Q. What organization? A. Molders of Buffalo, No. 90.

Q. What position? A. Business agent.

Q. What suggestions have you to offer to us along the lines of our inquiry this afternoon? A. Well, I believe that any Commissioner of Labor should have sufficient deputies to carry out the laws on the statute books, I think that it would be a great help to the prevention of a great many accidents —

Q. Just tell us, please, what in your judgment, is the cause of the greatest number of accidents in your trade? A. Through burns mostly, lack of keeping the shop clean, lack of inspection on ladles and cranes.

Q. How in your judgment can these accidents be prevented or their number diminished? A. By inspections.

Q. Then in your trade it is entirely a matter of inspection? A. The place must be kept clean, the kettles clean, the chains on the cranes must be inspected, because they are always carrying heavy ladles. They are liable to break and get crystallized, and in that way we have most of our accidents. A great many of our accidents come through doors breaking, swivels breaking, etc.

Q. How frequent inspection should be given by the Commissioner's Department? A. Two or three times a year at least.

Q. Well, I suppose you know how often they do make an inspection of your particular shop. A. About once a year. They can't cover their territory, it is impossible.

Q. How many molders are there here in Buffalo? A. Sixteen hundred about.

Q. Employed? A. In the foundries here in the city.

Q. How many foundries? A. There must be about thirty different foundries in the city.

Q. I will ask you whether the molders are willing to wear congress shoes? A. Most of them wear congress shoes for their own protection. Lace or button shoes, the sand gets through them, and iron frequently gets down through the laces and burns their feet. A few wear lace shoes. The congress shoes slip off easier. If a man gets a lot of iron on his shoe it does not take long to sink in.

Q. Are you familiar with the inspection that is given to your shops here? A. Yes, sir.

Q. What do you think of it. Do you think it is efficient? A. As far as it goes it is efficient, but it is not sufficient.

Q. It is not frequent enough? A. Not frequent enough, no.

Q. You don't mean to say that the man who goes there is not up to his work? A. Oh, no. He is tending to his work the best he knows how, and when he gets around.

Q. Are you aware of the fact when he is there? A. I am not in the shop when he is around sometimes.

Q. Do you think as a matter of general knowledge his presence is not noted? A. It is not always indicated to the men.

Q. Have you had occasion to call any matters to his attention? A. Not in particular. But I have informed myself where he lives and any matter I have of that kind I inform the Commissioner at Albany, and he gets it through his hands, and I know it will be taken care of if he sees it.

Q. Do you know of any cases where the men have ever brought matters that ought to be rectified to the attention of the inspector here? A. No one that I can recall at the present time.

Q. You don't want to imply that the inspector who inspects your work would not be apt to look out for your interests? A. I know he would. He would see anything that needed immediate attention would be taken care of.

By Senator PLATT:

Q. Do employers inspect these ladles? A. In some cases they do. Others they are a little careless about it. Of course they have—sometimes they seem not to have the means to do it.

Q. If there is more inspection it would be a benefit to the employers as well as to the laborer? A. It would enlighten them all and overcome many of these things happening to-day. If the Commissioner had more men that he could send out he could go to a manufacturer and talk to him intelligently about matters in a certain shop, and thereby overcome a great many accidents at the present time.

Q. Are not the men themselves familiar with the condition of the ladles and the fact that things are done or not done that makes things dangerous? What is the reason that they don't themselves when they know that things are in a bad condition, that they don't go to the inspector and ask him to come and make a State inspection? A. When they take those things up with the foreman he says he will have them fixed. It may slip his mind.

Q. Suppose he don't do so? A. The men fear their jobs and they are afraid

they will lose their jobs for making complaints.

Q. You don't think that can be left to the men? A. Some of them would be discharged if the foreman knew. Some are good foremen, some are unprincipled men, with no respect for themselves or anybody else. All they want is to get the work out.

Q. So in your judgment it comes down to a more frequent inspection? A. More frequent inspection.

Q. How often? A. At least three times a year, and should be made by a commissioner having more men and competent men. I think by doing that it would be a benefit to the employer and to the employee. There would be a better feeling existing all the way through. There is a matter I would like to bring out here. They are using a compound in the foundries to-day that may be of interest to the Commissioner that leaves off a sort of a yellow or green soot that I believe is injurious to the molders. If it were analyzed I believe the fumes would be found dangerous to the men. I thought I would bring it up here, so in your investigation it may come to you to have that analyzed.

By Commissioner WILLIAMS:

Q. You have reference to the smoke and fumes that are generated when you are pouring, using it in place of flour and oil for a binder? A. Yes, I believe those fumes are detrimental to health.

Q. Mr. Chairman, that particular source of danger has never been brought to my attention, but I am very glad that it has been brought for I shall call it to the attention of our medical inspector. A. There is another question I would like to speak of while I am here, that is open stoves.

By Chairman WAINWRIGHT:

Q. About those fumes, would it be possible to provide by blowers for the removal of the fumes? A. There is not any provision you can make for that. You would have to have a thousand pipes running down into the foundry. You can't do that.

Q. What is your suggestion? A. If it is dangerous it should be eliminated. Then use other material. This compound takes the place of other material, flour, oil and lucol. The men complain they feel dizzy and dopy and heavy. They feel a great deal tireder than in shops where they are not using it.

By Commissioner WILLIAMS:

Q. We can make an investigation of that subject, Mr. Chairman, to determine whether or not the substances used produce

dangerous gases, and I shall make note of that and that will be done.

By Mr. BRADSHAW:

Q. I don't know whether I am in order, but I should like to ask, has your union any method of instructing its members, especially new members, systematically on this subject of prevention of accidents. A. No particular instructions to give them. They always go by the rules of the shop, because the rules in one shop conflict with another.

Q. Do you think that considerable good could be derived by your union taking up that subject and giving the men such general instructions on the prevention of accidents that would apply to all shops? A. As far as instruction upon any particular subject, those are given to the boy when he starts in his work. He is cautioned as to the danger of flash, etc., and when he gets to be a journeyman he is supposed to be educated.

Q. Don't you think it would be a practical thing for your union in your meetings to have some class instruction along that line? A. We do in the apprenticeship organizations. There is some molders goes into the apprenticeship organization and instructs them along certain lines.

Q. I mean class instruction for your members, the experienced members, some simple lessons along the line of taking care of themselves. For instance, as to the kind of clothing they had best wear and various little practical things. Don't you think the union could by class instruction confer a benefit upon their members? A. No; I believe that the molders to-day are wearing clothing best adapted to their business. Clothing that will burn the least and also shoes that take the least fire.

Q. Where do they go for information on that? A. Through the advertisements of the different people that make this stuff.

Q. What would be the objection to your union taking that matter up and devoting your time to instruction along those lines? A. No objection.

Q. Wouldn't give benefit? A. I don't doubt it would do some good. But we always make it a point to bring the boy up along those lines so that when he grows up he will not overlook those things. And if the inspector is good —

By Assemblyman PHILLIPS:

Q. You do incidentally, from time to time, discuss those matters and talk them over? A. Oh, yes. How they come about and how it would be a good thing to have them prevented.

Mr. BRADSHAW.—The point is this: Every employee engaged in the train serv-

ice can give you from beginning to end complete information on the schedule of wages. You can take any brakeman, any switchman climbing up and down a box car and he is an expert on that schedule. If he would give one-third of the time to this subject as he does to his wages he would reduce the number of accidents fifty per cent.

By Commissioner WILLIAMS:

Q. I would like to make a brief statement regarding some suggestions that have been made here with reference to tool inspection. Personally I doubt very much the practicability of a minute inspection of tools by the State, for we have probably not less than 30,000 factories in the State where machine tools are in use, and you readily see what a minute inspection by the State of each of these tools would involve. My idea is this, that the way to insure proper inspection of machine tools would be to provide by law that the owner should make periodic inspections of each tool in his plant, and file with the Department of Labor a certificate certifying that every such tool has been inspected and found in sound and proper working order. It seems to me that that would be a better way than to attempt to place the burden of such minute inspection upon the State. You place responsibility squarely upon the shoulders where it should rest. Those certificates on file in the Department of Labor in the event of an accident happening as a result of a defective tool could be subpoenaed upon the trial of any action for damages arising out of such an accident. I believe that the effect of such a provision in law upon the owners of these machine tools would be far greater, far more effective than any system of State inspection could be expected to be. What do you think of that? A. I think it is a good idea and I think it would give the employer a very great deal more protection than it does at the present time. He would have evidence his tools were all right and inspected at a certain time and overcome a great deal the idea that it is better to go without any inspection.

By Mr. BRADSHAW:

Q. Some of that responsibility ought to be placed upon the man who has the use of those tools. At the present time, under the Employers' Liability Law, an employee can use a defective tool knowing it is defective without making any protest, and if he gets hurt he is permitted to recover under the existing law. I would suggest that that law with relation to the recovery of damages

should be amended. Then an employee who uses a tool which he knows to be defective, for instance, a hammer that is sloughed over on the end, using a tool which is visibly defective, and is injured by reason of the use of such a tool, should not be permitted to recover unless he can show that he owns it, and as to the owner of that tool to be in a position to prove that the tool was defective and the employer knew it to be so and at the same time escape the responsibility of permitting its use in a defective condition. A. I don't understand your question.

Mr. BRADSHAW.—I doubt if you understand me.

Mr. WILLIAMS.—I think I do.

Mr. BRADSHAW.—A uses this hammer, knowing it to be defective, and he gets his eye put out.

Assemblyman PHILLIPS.—No one questions the constitutionality of the law you refer to.

Mr. BRADSHAW.—Now I would suggest that you do not give him so much benefit under that law, but that we say to the employee, "It is your business as much as the employer's to see that these tools are in good condition, or you should not use them." It is no hardship on the employer to say, "If this tool is defective tell your foreman," and then modify your law so that if he does not tell his foreman of it, and then is injured by the continued use, that he cannot recover. Then you will have a motive for every one of these employees to call attention to these defective tools.

By Commissioner WILLIAMS:

Q. As I see your proposition now, upon the trial of any such action the employer could not advance proof that the tool was defective; it would have that effect, wouldn't it? A. No. I would let the employee prove that the tool is defective, and upon a *prima facie* case permit him to recover. If, on the other hand, the employer could show that the employee had used that defective tool without calling the attention of the foreman, that would bar his recovery. I refer to plain defects, not latent defects.

Q. On the other hand, if the tool is visibly defective why should the owner escape responsibility for permitting the use of a tool that is visibly defective? A. In my opinion, for this reason: The owner of that tool, the man who is in general charge of that shop, not sitting at his desk, it is physically impossible for him to know the condition of every hammer in that shop, but the man who is using it, he can call the attention of the foreman.

Q. What I had in mind is this: That the thing to do is to impose by law upon the owner the obligation of periodic, careful and thorough inspection of his tools. A. That, I think, is proper, but the point I make is that part of this burden, the whole trend of national and State legislation from the early history of this subject, so far as I can ascertain, has been to put the entire burden upon the employer and to make him responsible upon the penalty of misdemeanor and felony. That is all right to a certain extent, but I believe that a great deal of this pressure should be put upon the employee himself. He is the man who is to be protected against himself. In other words, we have now a great mass of national and State legislation, enough of statutes to load twelve box cars, I imagine, and ninety-nine per cent. of that legislation relates to the employers. Now the employers have been lax in many cases but the employees who use these tools, who is in direct contact, knows those conditions better than the employer can possibly know them, and I say it is wrong to let them choose those tools and get injured or killed and then to allow a recovery, when they very easily and without any risk can tell the foreman about it. Bear in mind I don't say that they ought to quit if it is not fixed. I would permit them still to use the defective tool, and then recover. But I would not permit them to recover if the employer could show that the attention of the foreman had not been called to the defective tool. I don't believe there are many foremen who would discharge a man for calling his attention to a defective tool. Of course, there are some, but I don't believe there are many. "Here is a hammer sloughed over, can't you grind it off for me?" And I think that the discharges for a thing of that kind would be very, very few.

Q. Any other observations, Mr. Scherer? A. Now, you know that there is a great many weak men, men not strong enough of mind to go to a foreman to tell a man, don't you?

Q. They need some stimulant. A. We endeavor to put some stimulant into them to go to the foreman about the tools. A great many men are laid off because they complain and complain. We have overcome a great many of these things without coming into contact with the foreman, but not until somebody had been discharged. We have taken it up in the proper way. Report to the Commissioner of Labor. We try and overcome all these things without bringing to his attention.

Q. Of the foreman? A. If you can assure us that the foreman having this matter in charge would not go and discharge these

men there would be a great many complaints. A great many foremen are incompetent, not practical, and the firm simply takes these men's words for what is going on. They don't know the practical end of it enough to look it up. They simply drive their men, and in that driving they put them to the extreme and that wears them out. And do you suppose a man with a family would say anything? They would either die or quit. You will find that condition.

Mr. BRADSHAW.—Mr. Commissioner, but the members of your organization, for instance, and of a great many others, have a great deal more power to keep themselves from being unjustly treated than the foreman. You are organized and you exert a great deal of moral suasion and power, more than the foreman.

JAMES WELCH.

By Chairman WAINWRIGHT:

Q. What office do you hold in your organization? A. I don't hold any, simply a member. I just want to tell an experience I had working for the International Railway Company. The conditions of the shop up there were such that it was almost impossible to work in there with the gas, etc., and I told the foreman one day that I was going to report the matter to the Labor Commissioner, and I did, and the inspector came around there one day and looked it over, but it happened on that day that the windows and doors were open and not much room for complaint. Well, the general foreman came through with them and showed them the shop, etc., and then he told the foreman afterwards that if he knew the man that made that report he would discharge him. That is one of the reasons why men are afraid to make a complaint.

Commissioner WILLIAMS.—For the benefit of all, when a complaint is made to our department and is referred to an inspector for investigation, if the complaint is made direct to headquarters the inspector, when he receives that complaint for investigation does not know any more about its source than any one of you present here to-day. He gets a card containing the substance of the allegations made against a concern, and the name of the party filing the complaint is held inviolate by us in the office. We don't divulge it to anybody.

Mr. WELCH.—That is very evident because the general foreman made the remark to our foreman that if he knew the man that made the complaint he would discharge him. Perhaps that is one reason why a good many of our men are afraid to make a complaint to a foreman for working under conditions that are not right and they

know it. If they make a complaint they are put down as kickers and the first opportunity they are let go. I think that our business manager has told you about nearly everything. I would suggest though that the employer be compelled to furnish competent men as helpers. There is one thing that we have to contend with. A green hand in a blacksmith's shop is liable to hit another with a sledge, knock a piece of steel off with his tool and knock his eye out or something else.

By Commissioner WILLIAMS:

Q. Mr. Welch, if anything were attempted along that line where would the employer recruit his forces, where would he get his new men. Isn't it absolutely necessary that green men, as they call them, must be taken in at times? A. Yes, sir. The way of overcoming that is to put them on light fires and let them get a little experience. If a man shows that he is capable of going on to a heavier fire put him there. They will put the green men on the heaviest fire and the work in the shop, and the green men cannot do it. Not only the blacksmith, but anybody working near him is liable to get injured, whereas if a man was put onto a light fire with a light sledge he would get experience.

By Assemblyman PHILLIPS:

Q. That is not a matter of legislative experience is it?

Commissioner WILLIAMS.—That goes pretty far in regulation.

FRED OSBORN.

By Chairman WAINWRIGHT:

Q. What trade do you represent? A. Iron Molders' Union.

Q. What office do you hold in that union? A. Financial secretary.

Q. You are an iron molder working at his trade? A. Yes, sir. I would like to ask if there is any State or city inspector to inspect the chains we have to use in the foundaries?

Commissioner WILLIAMS.—There is not.

The WITNESS.—In the way of protection for help, is there anybody to inspect these foundries where they have the open stoves, and we have to breathe the gas all day?

Commissioner WILLIAMS.—Yes, sir, there is.

The WITNESS.—I know there is men that don't make any complaint and others have lots of complaint to make, and you might ask a foreman if you went into a shop, and he might say no, because he is not at hard labor, and perhaps don't inhale so much, and not so subject to the effect of it.

By Commissioner WILLIAMS:

Q. These are charcoal stoves you speak of? A. The open coke stoves, and some foundries use a cheap grate with the coke,—bad smoke and fierce headaches.

Q. What is it used for? A. Used to heat. Most of the shops have up-to-date heaters, and they put these in when the up-to-date apparatus is not sufficient on very cold days.

Q. That is all under inspection, and I would be glad to make this suggestion, that such matters should be brought to our attention by the men in the various foundries. If that is done they will receive attention. Our inspectors are quite as likely to be in a foundry inspecting at a time of the year when these stoves are not in use, in which event the conditions would not be observed, and could not be observed. A. They don't put the pipes on the stoves as a rule when they have to put them up for these extra cold spells; and generally speaking about tools where the responsibility for accidents falls on the employer or the employee in the foundry it comes to my notice because of my position that we have a great many men with their feet getting burnt. Now, there certainly must be some cause for this, and whether you can blame it to the men or to the men that knows the tools is a question which is subject for a decision in my mind, and I think both are somewhat responsible for it. Practically they are both responsible for it.

By Chairman WAINWRIGHT:

Q. How can they be prevented — accidents of that kind. A. They could be prevented if everything was up to date.

Q. What is the reason they occur? A. In most of the cases they occur because the tools are wearing out, and they let them go until they are gone so far they bust out, and they are dispensed with.

By Commissioner WILLIAMS:

Q. Do some of the men sustain burns by reason of the spilling of metal when it is carried in the ladles from the cupola to be poured. A. Very often the case.

Q. Can those accidents be prevented? A. I think they could if there was a statement to make it a crime to have any obstruction in the mash during that time. Other times they would have to obstruct it to carry stuff that must go that way.

Q. In other words you want a clear passageway while the iron is running. A. That is all right too, and whoever would be the one who put anything there would be responsible, whether foreman or employee.

By Chairman WAINWRIGHT:

Q. Is that a matter for statute law or for inspection or regulation, Commissioner?

Commissioner WILLIAMS,—A. I should think that is a matter that should be properly governed by shop regulations.

By Chairman WAINWRIGHT:

Q. Would you to-day have the power to make a regulation of that kind?

By Commissioner WILLIAMS:

A. No, sir.

Q. You have no power to make shop regulations. A. No, under the present law.

Mr. OSBORN (continuing).—At this time of the year the steam and smoke become so thick when the iron is put into the molds, so thick that you can't see the length of yourself.

Q. Is that a condition that could be overcome if provisions were made for proper lighting? A. There is no light that would penetrate that lot of steam.

Q. How can you overcome it? A. Those things should not be put there during when the iron is carried.

Q. You don't consider it practicable to remove the steam and smoke by any system of exhaust? A. I have seen some of that tried. I don't think so.

Q. It does not work well? A. It does not work well. There is no light will penetrate steam. It is like fog.

By Chairman WAINWRIGHT:

Q. Have you got any suggestions to make to us with regard to the prevention of accidents in your trade? A. It would be a crime for either the man or anybody responsible to put anything to the mash during the time that iron must be carried. That is the only thing I would call to your attention.

WILLIAM KENNEDY.

By Chairman WAINWRIGHT:

Q. What trade? A. The Bricklayers' Union, of Buffalo.

Q. How many men? A. Four hundred and fifty.

Q. What office do you hold? A. President.

Q. Mr. Kennedy, what suggestions have you to make to us with regard to the causes of accidents in your trade, and the way they can be prevented. A. Mr. Chairman, I don't want to give any opinions personally myself, only through the instructions given me by the organization on Wednesday night. It seems that there is a State law to the effect of close tight coverings where men are working underneath;

it seems that contractors in charge, they leave a space of probably eight or ten inches from one plank to the other for the workmen where they have to step across and carry on their work. The result is that sometime a wrench or bolt or washer will drop down and the men's lives are in jeopardy, and the instructions that I received was to come before this commission and try to enforce a closer inspection and more rigid enforcement of the law.

Q. The building law? A. Yes, sir.

Q. Were you here when the Commission had the Deputy Commissioner of the Building Department here? A. Yes, sir.

Q. You heard what he said? Have you any exceptions to what he said? A. I made complaints one time of the J. N. Adam building, when I see the planks and passed by there a few days after, and the planks under the bricklayers were closer together, but the entire floor was not covered.

Q. You mean to say that the laws with regard to the flooring are not generally observed here? A. I would not want to commit myself by making any remarks against what he said, although I will say that the J. N. Adam building, I was myself the business agent of the carpenter's union, and reported the matter to the Deputy Building Commissioner, and we were given a reply that he would attend to the matter. I believe he did from the way the men were covered over with the plank, but if they were not upon that spot, but another one, it would take them sometime to remove those planks.

By Commissioner WILLIAMS:

Q. How about the shafts or openings through which they elevate material, they are pretty well guarded? A. They have those guarded all right to my knowledge.

Q. So that you have no serious complaint to make for the non-observance of the law with reference to safety on buildings? A. Nothing serious only that the members of the organization wishes to have the floor completely covered so that when they are working underneath a bolt or nut will not drop through.

Q. Do you think that there should be inspection by some definite authority which would cover this subject without necessitating complaint from your organization? A. I believe it would be a good idea, owing to the fact that it would not require a great amount of men to give time to that inspection, because as a rule here in the past there has not been over four or five structural buildings in a season that were in course of erection at one time, and a closer inspection in my opinion would be all right.

Commissioner WILLIAMS.—We find a different condition here than in New York where the men complain the law is not enforced, and I can see you have got an entirely different view of it here. This law as to flooring and all those provisions of law are very much neglected. They should put the floor in as they go up.

Chairman WAINWRIGHT.—That is the complaint, that they don't.

Commissioner WILLIAMS.—That is exactly what they don't do.

Chairman WAINWRIGHT.—Their whole complaint in New York was for more rigid inspection and greater enforcement of the law.

By Commissioner WILLIAMS:

Q. Have you any opinion upon the question as to whether such inspection should be by the State or by the city. A. Well, I believe it may be by the State.

By Chairman WAINWRIGHT:

Q. Why? A. Why, we would rather have State inspection than city. I think that if it was a city man that had the position the chances are that he may have to cover too much ground or something of that sort. And I believe the State Law holds a man tighter to his position than the City Law.

Q. Surer of his place under the State? A. No, he is more apt to tend to his duty more strictly.

Commissioner WILLIAMS.—A little less interference with his work.

By Chairman WAINWRIGHT:

Q. Not so much subject to local influences? A. That is the idea.

Q. Have you got any suggestions by which the law with regard to the safety of buildings should be enlarged or do you think it is sufficient as enforced? A. No, I have not. I would not commit myself as to that.

By Professor SEAGER:

Q. I would like to ask of the relative advantages of the system of city inspection and State inspection. Do you have any trouble in reaching the city department? A. No.

Q. It has been brought to our attention that there is great trouble in reaching the local State inspectors. A man claimed that he tried for seven weeks to find the representative of the State government. Is that not a decided advantage in favor of city inspections? A. We never went to that point of complaining to the State officials.

Q. You have not had occasion to complain to them in your trade? A. The chances are that probably we were a little bit ignorant as to the law. If we were well aware of the law in effect probably we would have informed the State officials that it needed their attention.

Chairman WAINWRIGHT.—Bear in mind the men do not appreciate the fact that this is one of the instances where the State department has authority that they can use when the men go to it to get redress of this kind, that is, to secure proper enforcement of the law.

M. C. McCADDEN.

By Chairman WAINWRIGHT:

Q. What trade do you represent? A. Electrician.

Q. Are you an officer of the electrician's organization? A. Business agent.

Q. Have you any suggestions to make to the Commission with regard to the causes and prevention of accidents in your business? A. Nothing but that I think we ought to have more inspection. There is a lot of work that gets away from the inspector at that.

Q. What? A. Different wiring put up, done by incompetent boys, shifting of the lights in different places where it does not draw to the attention of the inspector where the inspector does not get at that. Done by school boys. The inspector never gets at that. They cause fire. If there was something in the nature of a law requiring the inspection of every wiring—

Q. Commissioner is that in your department?

Commissioner WILLIAMS.—No, sir. Our department has absolutely nothing to do with electric wiring. There is not a provision as to that until we strike the Mining law.

By Commissioner WAINWRIGHT:

Q. What kind and how frequent inspection? A. There should be an inspection after each job is put in, seeing that the wiring is put in properly.

Q. Is there an inspection by any city department? A. There is no inspection. Suppose this gentleman wanted those lights up there changed. He gets some boy to change them. That is never brought to the attention of the inspector, nobody knows about it. If we had some one to notify, an inspector to notify when a wire is moved we would eliminate the danger.

By Professor SEAGER:

Q. Danger of fire you mean? A. Not necessarily.

Q. Danger to the worker's life. A. No.

Professor SEAGER.—It is a little remote from what we are specially interested in.

By Chairman WAINWRIGHT:

Q. We are particularly in the danger to the workman. A. We have a good deal of trouble with such matters. I mean have to work in those. That makes it dangerous for a man to work in there. He must walk through the buildings, and is liable to hit his head against pipes and beams. I think there ought to be a pipe also leading from what we call salamanders(?) Our men are frequently compelled to lay off two or three days with a headache.

By Mr. LOWE:

Q. Don't you get any accidents that occur to the men in the process of wiring? A. In those cases they would be so light that our men would never think about them.

By Commissioner WILLIAMS:

Q. You represent the inside wiremen? A. Yes.

Q. The linemen are not represented here? A. I believe I could represent them to a certain extent.

By Mr. YORK:

Q. What do you do when you are working on a high potential side of a transformer; do you pull the fuse? A. It would depend upon the current on the line.

Q. Are there any lines running around the city of a primary size that is not dangerous? A. No.

Q. Do they always pull their fuse? A. The fuse is provided for, they don't pull it. It would be impossible to pull all the fuses on the primary side of the wire to do your work, because it would shut down factories, and that would not be allowed. They furnish you with rubber gloves for that case.

Q. As far as the outside? A. That all pertains to the outside.

By Chairman WAINWRIGHT:

Q. Have you anything more to tell us? A. I believe—in the outside wiring, I believe the law should call for all dead wiring to be taken down, wires that are not in use running to any part of the city, that is dead, there is nobody to look for it, and anybody can get killed with it. I believe it should be mandatory to take down wires that are not in use. I have known of other cases where men have been killed through dead wires. So with the current wire, this gentleman speaks of, being too close on the same poles.

Q. Most cases of accident are in outside work? A. It is a case, as a rule, of a man not understanding where a current is, a heavy current. The telephone man is not supposed to know an electric light wire.

By Commissioner WILLIAMS:

Q. Are they carried on the same poles? A. On the same poles, sometimes within eighteen inches of each other. I believe they can be adjusted by having them further apart or having a current wire on a different pole.

By Mr. YORK:

Q. I want to ask what the usual practice is on inside wiring. Do you cut your switch off? A. As a rule we work with it on. Very often you will get a ground on your transformer, which very often happens. I want to say that if you don't repair some of the wiring with the current on with the fuse, you won't repair them, for now it is absolutely necessary to repair them with the current on. Take a factory where they are under expense of fifty to seventy dollars an hour, they won't let you shut off that factory. The remedy for that is having competent men. But if you are going to put children up there, they are liable to kill men. I have worked with boys who could not stay on a pole unless they were tied on, and was liable to throw something right back.

By Chairman WAINWRIGHT:

Q. Are there no regulations prescribing qualifications for that work? A. The only regulations is to get somebody to go up there and try them out.

Q. They don't have to pass any qualifications? A. They would to get into our organization but not to do the work.

Q. Do many accidents occur from defective gloves? A. No, not often. There are accidents, there are some.

Q. You have no suggestions to make to us with regard to that class of accidents? A. No.

By Professor SEAGER:

Q. I suppose the trouble with your trade is that it is growing so rapidly that they get men wherever they can? A. They feel as though they ought to get men to work for nothing. If they wanted to pay a reasonable price they could get competent men at all times. We find that our men are grow-

ing rapidly. We have helpers in our organization.

Q. You have a regular system? A. We supply competent men.

Commissioner WILLIAMS.—I want to say a word or two for the benefit of the laboring men who are present, and to clear up one or two things brought out here regarding the inability of the men to get in touch with the inspectors. For what I consider good administrative reasons we do not permit our inspectors to take complaints that are unrecorded. We have made it a rule that a complaint to receive attention must come through the office. When a complaint reaches us we invariably acknowledge its receipt and when an investigation has been completed and a report is back in our hands the complainant receives a statement as to the result of the investigation. We believe that to be a better way, more satisfactory to us, and surely more satisfactory to him who complains, and in that way we have our inspectors under our own control, all the time, and we do not think that it would be wise to have it in any other way. As a matter of fact we won't permit it to be other than as I have indicated, for we are responsible for what the inspectors do in the field, consequently we want to know what they are doing, and we want to hold in our own hands authority to direct them in their work. So that if the labor men have sometimes felt grieved that they could not get the local inspector to do things for them they ought to realize that there was a reason for it. I am saying this to the laboring men here now, if you have any complaints to make kindly address them to us in Albany, and you may rest assured that every complaint will receive prompt attention, and you will have official acknowledgment and official information as to the result after the investigation has been made, and that is far more satisfactory than to have it done in a haphazard, irresponsible way.

Chairman WAINWRIGHT.—If there are any other trades that desire to communicate with us they may do so in writing. Some have not appreciated the significance or importance of these proceedings, and if they have something to offer to us if they will put it in writing and send it to us in New York office it will be put in our records.

Commission adjourned to the Common Council Chamber in Rochester at 10 o'clock, Saturday, February 25, 1910.

HEARING OF EMPLOYERS' LIABILITY COMMISSION AT ROCHESTER IN THE COMMON COUNCIL CHAMBER.

February 25, 1911.

Appearances: Senator WAINWRIGHT, *Chairman*.
 Senator FRANK C. PLATT.
 Assemblyman C. W. PHILLIPS.
 ALFRED D. LOWE.
 HENRY R. SEAGER.
 GEORGE W. SMITH.

AUGUSTUS A. WOLF, president Empire Gypsum Company of Rochester.

By Assemblyman PHILLIPS:

Q. Your work is mining? A. Mining and manufacturing; manufacturing wall plaster.

Q. What is the nature of the machinery used? A. Different kinds of machinery used, heavy machinery, crushing machinery.

Q. How many men do you employ? A. Fifty to seventy-five men.

Q. That is altogether, mines as well as mills? A. Yes, sir.

A. Your mine is at Garbutt? A. Yes, sir.

Q. Do you have any accidents in your work? A. We have had some.

Q. What is the nature of the accidents? A. Some men who are hurt in handling machinery, usually carelessness on their part.

Q. What is the nature of the machinery? A. Different kinds of machinery. Possibly the belts.

Q. You have some accidents in your belting? A. Yes, sir.

Q. What is your power? A. Electricity.

Q. Have you ever considered the use of separate motors? A. We are using separate motors.

Q. And you are doing away with the belting? A. Very little belting.

Q. Did you formerly have more than you have now? A. Never had any less or any more. Never had anything else but electricity for uses as power.

Q. And are they separate motors or groups? A. Individual motors.

Q. What is the nature of your injuries in the mine. A. Asphyxiation.

Q. How could that be prevented? A. By the men being more careful.

Q. The men; in what respect? A. Usually careless on the part of the men. Whenever we have trouble in our mine that is always traced back to the men not protecting themselves. Usually hurried their

work, being paid properly and satisfactorily and trying to make a quick job.

Q. Why? A. I don't know.

Q. Are they paid by the piece work? A. No, sir. Some of them are.

Q. The men who are in a hurry to make quick jobs? A. Quick jobs. For instance we have had trouble in our mines a little while ago. We are paying those men five hours' pay for doing their work, which possibly would take an hour or an hour and a half in order to get through quick. They get through in a half hour and thereby get into trouble.

Q. You are paying them for five hours' work? A. In order to provide for any accidents to occur we pay them sufficiently to make good work.

Q. How many hours a day are they supposed to work? A. Ten hours

Q. You pay them for how many hours? A. Our blasting in the mines is usually done after the working hours are over. And the ~~blasting~~ is done say about half-past five or six o'clock in the evening. We pay them for five hours, they do the work in an hour instead of five hours. They are accepting the five hours' pay. They are paid for five hours in order to do their work carefully and cautiously and do good work, but they usually rush.

Q. It is extra work for them after they have finished their day's work? A. It is really extra.

Q. They really have worked all day when they commence that work? A. If necessary.

Q. Generally? A. These men do not take the blasting from the five hours. They may not work at all.

Q. What have they been doing during the day? A. I don't know. They are doing that particular work, engaged for that particular work.

Q. How much do you pay them for the five hours' work? A. Twenty or twenty-five cents an hour. They possibly do five hours work in the mine outside of these

five hours which they occupy for blasting, paid \$1.25, \$2.25, \$2.50 a day.

Q. They have already received a half a day's pay? A. Yes, sir. I think they are paid twenty-five cents an hour, and possibly do some work in the mine before they do up that particular work for which they are paid, possibly twenty-five cents an hour.

Q. How does the hurrying affect their work so as to cause accidents? A. Carelessness.

Q. What is the actual effect, premature explosion or what happens? A. I could not tell you exactly. They don't give the power sufficient time. They go in before the smoke gets away so they can commence another operation.

Q. You have a system of ventilating there to carry off that smoke? A. Certainly.

Q. Your idea is that after a blast or something creating smoke they ought to wait a certain length of time before another operation? A. Yes, sir.

Q. Why don't you have rules? A. We have, but they don't understand the rules sometimes, and we have come to the conclusion to have these rules printed in different languages, because we have to employ foreign as well as American labor.

Q. You say those accidents are due to the men violating your rules? Do you ever discharge them for violating the rules? A. Yes, sir.

Q. Whether there is an accident or not? A. Certainly.

Q. Does that have any effect upon their conduct? A. It is a very difficult thing to make those fellows understand things right. You can't make good selections in labor. It is hard to do that.

Q. Would it be better if you paid them for their time actually expended? A. We want to do that because —

Q. Why is your plan a better one if it causes accidents? A. So to have them be more cautious.

Q. See if we understand each other. As I understand you you pay the men for five hours' work. A. We are paying them for ten hours' work.

Q. And this particular work you are paying them for includes the "five hours'" work, and you say accidents are caused by their trying to do the work in a half an hour. The worker gets five hours' pay for a half hour's work. Would it not be better if you paid them for the time actually expended, even though they were paid at a higher rate, so there would be no incentive to hurry? A. Might be better, might not. It is a hard thing. It is a technical case. Very peculiar specimens these men, when

they get into a mine or a factory. It is usually always up to the employer.

Q. You have made the suggestion that these accidents were caused by your present system of paying them for five hours. A. Better method.

Q. Why is it a better method if it causes accidents? A. Well, I don't know. We think it is better. Possibly there would be more accidents if we did it in the other way. The proof of the pudding is in the eating.

Q. And you find you get accidents that way? A. Maybe we would have had more accidents if we did it your way. We think so.

Q. The only point is that you complain that this way causes the accidents and I thought for that reason some other way would be better. A. I think it is the better way to prevent accidents.

Q. You have a foreman there, of course? A. Certainly we have a foreman and an assistant foreman.

Q. Why doesn't he prevent their having a second blast until the smoke is cleared away? A. He has tried to do that. If you have men, for instance, who are with you this way for four or five years they ought to be pretty careful. They ought to know the dangers. They go into the mine knowing the dangers connected with the mine and with the plant, and you can't always expect a foreman to sit right in the mine. The mine is situated in possibly a dozen different locations, and that foreman is not always with the particular man who does the blasting. He has got to be around. You can't have a foreman for every laboring man, can you? There is another side to that story always. After you get through with corporation taxes and other kinds of taxes, and things that cost, these employers' liability laws, I think it is absolutely stringent, very one-sided in my opinion. I don't know as I have a right to express it. I think they are nuisances in making up this particular law. Some fellows can get pensions under that very law. Also, in my humble opinion, I think many foreign laborer, different kinds of labor we have in this country, is liable to cause you accidents. These men are making two dollars a day; they could very easily get a pension for the balance of their life.

Q. Yet on the other hand you say there is no way of preventing these accidents in your mine? A. We can only do the best that we know how.

Q. Do you ever get premature explosions there? A. No, sir.

Q. Any misfires? A. No. Very carefully guarded. Very carefully watched, as nearly as you possibly can do.

Q. How many accidents have you had from the gas and smoke there? A. Only one that I can recall.

Q. And the man died? A. Yes.

Q. Where do you store your dynamite? How do you handle that? A. About half a mile away from our mines.

Q. Above or below the surface? A. Above.

Q. In what kind of room? A. In a specially built house.

Q. What is it built of? A. Protected with sheet iron, well taken care of. Nothing liable to happen that way. There is no connection with men.

Q. What material is it built of? A. Sheet iron.

Q. Those are the only accidents you have had, from the smoke; none from the hoists or the machinery in the mine? A. Never.

Q. In your manufacturing, is your machinery guarded? A. Guarded with railings. Every belt is guarded, properly guarded.

Q. How about your gears? A. Well guarded. Our gears are located where they could not hurt any one. All switches and railings around.

Q. Have you any accidents there? A. No, sir.

Q. No set screws in your work? A. No, sir. Our mill—I want to say to you our factory is built absolutely in a modern way with most modern equipment, run by electricity, every piece of machinery guarded with railings, belts are all guarded with railings. So it is absolutely up to the men. Of course, if a man wants to commit suicide or wants to get his pension for \$3,000 he can get it that way.

Q. Only that pension does not cover the operation of your machinery? A. A good many other things are.

Q. Blasting is covered? A. Yes, sir.

Q. Have you had any accidents in your factory from crushing machinery? A. No, sir.

Q. You have no suggestions—how about the Labor Department, the inspection? A. Our plant is inspected regularly by the State department. I think about every six months. I am not quite sure, possibly every three months. Our mine is as well inspected by a mine inspector.

Q. Are you familiar with the character of the inspection that you receive from the State inspector? A. Yes, sir. I usually inquire into it when the inspector calls.

Q. You come personally in contact with the inspector himself? A. I have a few times, but usually our superintendent is the one who comes into direct contact with him

and follows the instructions which he may give at times.

Q. What are your views as to the competence and efficiency of the State inspection, the men that you have seen? A. The men that I have seen I think are very competent men, and very careful men. And their suggestions are always made beneficial to the men. Sanitary connections, conditions of the factory are well taken care of, and their suggestions are always very, very carefully taken. And they are very attentive in their work.

Q. You think the factory department, as far as the inspection of your institution is concerned, is as efficient as it should be? A. As far as we are concerned I can't answer anything else but the affirmative. Of course, I could not reply for every factory or what they do in other plants, but as far as we are concerned I have no reason to think otherwise than they are taken care of by competent men, and well taken care of.

By Commissioner WILLIAMS:

Q. Have you a system of inspection of your own in the mines? A. We have. That inspection is done almost daily, Commissioner. Our superintendent is in the mine, and if he is not in the mine his assistant is in the mine, and he is a very cautious man who knows his business; experienced in it, brought up in it, and he usually has taken care of that end of it very carefully.

Q. When the assistant superintendent finds a defective point either in the mine work itself or in the apparatus does he make a report to the superintendent? A. He does.

Q. In writing? A. I don't think so. But he tells him if there are any found, and they usually are well taken care of.

Q. Do you know as a matter of fact the rule requires a written report? A. That might all be so, but if there are no defects there are no written reports.

Q. Very true. A. They really would not cut any figure. As long as conditions are satisfactory reports are out of order.

Q. You have shafts and galleries? A. Shafts, no galleries.

Q. And how is the ore taken out? A. Taken out through a shaft and through a tunnel.

Q. Vertical or oblique shaft? A. Vertical. We have not one, we have may be half a dozen shafts, ore shafts, absolutely for giving the men good air. Our mine is just as good, as well aired as this council chamber is aired.

Q. Have you had any accidents by reason of the falling of material from the roof of the chamber? A. No, sir.

Q. You had an accident there which resulted in death by reason of suffocation? A. Yes, sir.

Q. If the system of ventilation is such as you have described, how could that accident have occurred? A. I wish to say to you referring, or relating to this accident, I would like to be excused. If you are going into details about that I believe you are going to that point where I would be excused for reasons best known to ourselves. It would not be fair, it would not be just to reply to questions which I would be delighted to answer, and could reasonably answer you, but I don't think it is quite the fair thing to do. We carry insurance now. You probably appreciate my reply, and I would like to be excused. I don't want you to misunderstand me that I want to hide one iota, because I know what I am talking about; but I don't think it is quite good sense to reply to such questions just at this time.

By Chairman WAINWRIGHT:

Q. I think we can understand your reasons. A. A foreign element enters in.

Q. I assume the question is in litigation? A. They may come into litigation, we don't know; but it is not fair to the insurance corporations to speak on these subjects.

By Commissioner WILLIAMS:

Q. Regarding the blasting; is the blasting in your mine done either by one individual or under the direction of one individual? A. It is done by one individual assisted by a helper, which is distinctly prescribed under the State law.

Q. After the blast has been exploded, or the charge has been exploded, do the men enter the chamber immediately? A. After the smoke is cleared and the atmosphere is clear they go in there. They could not go in there until it is cleared away.

By Commissioner WILLIAMS:

Q. Do you consider it a wise precaution to rule that a blaster should first enter the chamber to see whether all the charges have exploded, and to be in a position to declare the chamber safe before the gang enters? A. Yes. I think that absolutely this blaster, or the man who fires the blast, ought to enter this chamber first. Before the men enter he does. I answered you that before.

Q. And he should take proper time before he enters? A. There is just exactly the point.

Q. Does he take proper time or does he do his work in a hurried up way? A. He is paid to take proper time. Somehow men are controlled by influences to run in quick to do things, to get through quick, to get their pay quick, and there is the way the trouble comes in most of the time.

Q. Coming about it this way; should the movement of the gang be controlled absolutely by the blaster, so far as the entry into the chamber after the blast is concerned? A. I would think so, because he is the man who knows just exactly how this room looks after his work is done, and he knows.

Q. Do you think that that practice is generally followed? A. Usually. The very fact that the men who have disasters or the man who has this accident having done his work for four years ought to know, ought he not, if he is too near.

By Chairman WAINWRIGHT:

Q. Is it practicable to have a definite fixed mine rule as to that subject; if so, what should that rule be? A. I would say, Mr. Chairman, that as soon as the smoke is cleared away there is absolutely no danger. I have been in the mine myself time and again.

Q. Should there be a rule to that effect? A. There should be a rule that a certain time should be required until the atmosphere is cleared away and the smoke is cleared for these men to enter the chamber.

Q. Is it difficult to secure compliance with such a rule? A. Not at all. Very easy matter to carry out those rules into effect, and to carry them out.

By Professor SEAGER:

Q. You think there would be no objection? A. None at all.

Q. With regard to sufficient time elapsing before the men enter? A. None at all, because there is sufficient work done in the different mines to easily take a half hour or fifteen minutes to a half an hour until the smoke has entirely cleared away. That does not hurt any one or does not delay the game one particle.

By Chairman WAINWRIGHT:

Q. Would you not say that every mine should have such a rule? A. I would not like to answer for a coal mine. I don't know enough about that. I should think that should be good to have a rule like that, just the same as in a gypsum mine, where blasting operations take place. I don't think there would be any objections.

By Commissioner WILLIAMS:

Q. How do you support the roof of the

chamber? A. In the first place they support themselves.

Q. Do you leave any pillars? A. We do.

Q. How thick are the pillars? A. About twelve feet in thickness, and in the intervening rooms which are possibly — I can give you these things only generally.

Q. Are the pillars ever robbed? A. Robbed?

Q. Is there ever any attempt to cut down the pillar in order to get more ore out of the mine? A. That would again come up to a concern who does not like to protect their men. What would any company want to do that for? Have a roof fall in on them. Double labor and trouble, labor and all those sorts of things.

Q. You have heard of such things, have you not? A. I never heard of them. I could figure them out. There may be such a thing as too much carefulness in a mine. Too many pillars left. Our rooms are 10 by 20, and if too large we prop them, not only pillar but we buy timber in carloads, by the carload. I am after those men all the time, and tell them prop your rooms well. If a prop is half rotted substitute a new one. I would like to say this: I think the employer is more careful in taking care of his men than the men are careful to take care of their employer, and I am not speaking from my own standpoint. I like the men and I like the men to like me. It is always up to the employer, usually.

By Assemblyman PHILLIPS:

Q. In this State of course, quarries and lime and cement works are more apt to be neglected than coal mines in Pennsylvania, where it is a big problem, and yet, although this is a small matter in this State more than twenty men have been killed in this State in the cement works and mine or quarries, by blasting, premature explosion or misfire? A. I want to find out to prevent those things?

By Chairman WAINWRIGHT:

Q. Have you any suggestions to make to us how the conditions of the mine can be made safer either by incorporating additional provisions in the statute law or by prescribing the enforcement of the regulations by the State Department of Labor? A. I really think, Mr. Chairman, that the law is very fair as it is now. I can't suggest anything. As I told you before our inspectors are very efficient men, those whom I have met, and you cannot go to extremes about those measures. I believe that 95 per cent. of the accidents are up to the men. Usually every manufacturer whom I know is usually trying to

guard his men particularly well, and look out for their welfare for their protection, that is as far as my personal knowledge goes, and I come into contact with manufacturers who run twenty to twenty-five different plants, and from their superintendents I learn that they always are trying to protect their men first, last and all the time.

Q. It is a matter of dollars and cents as well as humane impulse to the employer? A. Possibly to a certain extent but they are now getting the worst of it as far as dollars and cents are concerned, especially at the present time, you appreciate that?

By Chairman WAINWRIGHT:

Q. Have you considered them, Mr. Wolf, as far as your industry is concerned that the men of the State are employed in so far as they relate to the safety of the employees. A. I certainly have, and I think they. I can truly say that I think they are.

Q. Have you any suggestions to make with regard to the methods of the Department of Labor or the regulations of the department so far as they relate to your industry with reference to the safety of the operations you are in? A. I wouldn't have any to make. I would not know what to make. I think, personally, speaking as I said, our plant and our mine is well conducted. I could not answer for the conditions in other plants, and in other works, but I believe that they are well taken care of, generally speaking, from what I learn.

By Commissioner WILLIAMS:

Q. I would like to have Mr. Wolf's opinion upon a point here. In case of misfire do you think it advisable to permit an attempt to remove the tamping or draw the charge, or would you advise drilling a new hole? A. Never touch a tamping, absolutely not. We would not allow it. Our foreman would not allow it.

HERMAN RUSSELL, Superintendent of gas manufacture, Rochester Railway and Light Company.

By Assemblyman PHILLIPS:

Q. Are you a member of the safety committee of the company? A. Chairman of their general safety committee. This committee was organized about two years ago, and following as the result of my hearing of a talk by Dr. Tolman in which he described a similar organization that the United States Steel corporation had in effect. It appealed to us as being effective, and we put into operation and have had it in operation for two years, and I don't hesi-

tate at all to say that it has been of great benefit in many ways to the company, not only in preventing accidents but in making the men themselves more careful, which is the greatest thing we have to contend with always, and also educating the men and in helping getting co-operation among the employees.

Q. Has that result been for any large extent shown by statistics? A. I can't say as to that because I have not the figures for the two years. On the other hand our business is growing so rapidly that it would require a careful analysis to determine that. Of course we have accidents, but we pay our men, have always paid them since I have been with the company for loss of time and also for accidents, pay them full wages for any period of disability due to accident.

Assemblyman PHILLIPS.—You might describe your safety system.

By Chairman WAINWRIGHT:

Q. Just how it is organized, and what you do, and how many men you have detailed for that work. A. It consists of the general safety committee of five men at the present time who are heads of the different departments. For instance, there is the electrical department superintendent who is on that committee, the superintendent of the gas department, the superintendent of our adjusting department, the head of our commercial engineering department is on that committee, the head of our claim and accident department, is on that committee. This general committee, appoints I think at the present time eight sub-committees, consisting of two men each. These sub-committees have charge of the inspection of the different departments.

By Chairman WAINWRIGHT:

Q. How are those sub-committees made up; what grade of men compose them? A. The men in the sub-committees are either foremen of different departments or men thoroughly competent to inspect the work which they have to inspect. I might illustrate by saying that we have for instance, at the present time three electrical committees as we call them. One having charge of the inspection of the electrical work in three or four different plants; another in three or four more plants, and so on. These men make inspections once every three months of the property over which they have charge. They make out a typewritten report of what they find, together with general recommendations to the general committee. This report is taken up at a stated time. There is a regular schedule of all of this work for what is carried on on a certain day on which it

must be taken. It is reported to the general committee. There is a regular time to take up these reports. These reports are considered, the chairman of the committee making the report is always present, and also the man whose plants or whose work is inspected. We do this so that any questions arising may be readily answered and a just decision arrived at. We take up the recommendations as they are considered, go over them carefully and make suggestions, O. K., or the like, as we may see fit. Then this revised report is sent to the superintendent in charge of that department with instructions to have that work done or have those suggestions carried out, and he must in return report before the next inspection of the committee as to what has been done regarding these various suggestions so that the next time they go over the work that have a report showing just the action which has been taken.

By Assemblyman PHILLIPS:

Q. Does that report show that the suggestions have been complied with? A. Yes.

By Chairman WAINWRIGHT:

Q. To illustrate, Mr. Russell, what are some of the things which you have adopted by reason of these reports, either as to mechanical devices or as to rules put in force? A. Well, we have put our danger signs around different machinery which were dangerous. We have painted certain apparatus red, showing it was particularly dangerous. We have put in coverings for gears; we have provided adequate light for stairways or dark corners, removing the possibility of falling or slipping. We have improved the ventilation in a number of instances. We have adopted rules which should be obeyed in the handling of certain particularly dangerous operations.

By Chairman WAINWRIGHT:

Q. For example, what kind? A. Such as making wire repairs and so on, live wire conditions, conditions under which those men should be allowed to work on that class of work.

Mr. RUSSELL.—In regard to nails I might say that this matter was also taken up by the Committee, and notices sent out from time to time from the different stations, about being careful to instruct their men to pick up nails wherever they see them, and the number of accidents from this cause has greatly lessened as a result of picking up nails by the men.

By Assemblyman PHILLIPS:

Q. And you get the same co-operation from your men? A. Better co-operation.

It keeps the men alive to the fact that we are looking for the sources of danger all the time; we are looking after their interests, and they don't forget about. They are constantly reminded to be careful.

Q. If you weren't doing anything they might feel their efforts were a drop in the bucket. A. Yes, they would be apt to.

Q. Do you have any chipping work in your departments? A. Very little.

Q. No danger practically to the eyes? A. No unusual danger, wherever there is they use goggles.

Q. Do you use them? A. Yes, sir.

Q. Any trouble in getting them to do it? A. They usually do it when we order them to do it.

Q. How do you compel them to do it? A. By the foreman in charge watching them.

By Chairman WAINWRIGHT:

Q. What is the penalty if they don't do it? A. If they don't do it when ordered they are discharged.

Q. And you find that your efforts then make the men more willing to take hold of the safety devices? A. Yes, sir.

Q. I assume that the men may not like to wear them because they complain of their inability to do the work. A. Wherever it is dangerous we compel them to use them.

Q. Have you any trouble in getting your men to us safety devices? A. We have trouble in keeping them at it.

Q. Does your committee consider that phase of the problem as well as the other? A. Why, yes. It is worth more as an education in getting them to use them. We have not as many safety devices as other concerns, because most of our business does not require safe-guarding machinery in the way of mechanical arrangements as some other business. We have saws and gears which are guarded.

Q. Are most of your gear guards permanent? A. Yes, sir. We have but very few classes of machinery which we can't guard permanently. About the only one I recall is a saw, a circular saw. We have trouble in getting the men to use those.

By Commissioner WILLIAMS:

Q. In covering the gears do you cover the entire wheel, that is, the mesh? A. Yes, almost always. We protect it absolutely so a man can't get into it.

Q. Have you any milling machines? A. Not to my knowledge.

By Assemblyman PHILLIPS:

Q. How many have you on your inside work? A. I could not answer that.

By Mr. SEARLE:

A. Practically six hundred.

Q. How about your foremen, do they watch out after the safety end of the work?

A. Yes, the foremen in the stations. There are some five or six foremen now who are on these different sub-committees. The result is if they go around and criticise another man's plant or operation naturally they go back home with the eyes open as to whether their conditions are right in their own works.

Q. I don't think we understand that in your general statement. Do your committees inspect the other men's plants? A. Yes.

Q. Describe that, if you will? A. For instance one of our committees — the foreman of what we call our No. 3 Station is on another sub-committee, which inspects other stations besides No. 3. He does not inspect his own plant; he inspects the work with which he is thoroughly familiar and in touch with. He knows what to look for. He knows the danger points because he is familiar with where the danger may lie.

Q. Are your shops under inspection by the Department of Labor? A. Yes, sir.

By Chairman WAINWRIGHT:

Q. How do you draw the line — how does that work out with regard to your inspection of shops of corporations under the Public Service Commission?

By Commissioner WILLIAMS:

A. It matters not to us whether the shop belongs to a Public Service corporation or a private corporation; they are all subject to inspection.

By Mr. SEARLE:

A. I would like to add: An inspector who has the magnificent benefits that he must derive from getting acquainted with the conditions in other plants possesses a splendid asset. It is a splendid asset for a man who goes to other plants to come to you and suggest changes; it is actually saving you money. That is the greatest benefit of our safety committee.

Q. You find the inspector is a helper? A. Very much so.

Q. How often does he get around? A. Periodically. I could not say very frequently.

By Assemblyman PHILLIPS:

Q. Mr. Russell, there are thirty thousand factories in the State. We have fifty inspectors. From your experience do you think we ought to have more inspectors in

the State? A. I think the more inspectors you have the more efficient it is; the more accidents you would prevent. Just how far financially you would be able to carry that I could not state.

Q. Mr. Russell, would it be of advantage to you if you had more frequent inspection?

A. Yes, sir.

Q. Assuming that the State is giving you all the inspectors it can from present sources, you think it would be a wise thing to increase the force? A. Yes, sir.

Q. From your experience do you feel that the average foreman has a false idea of his employer's attitude toward the men, and is apt to ignore the safety end more than his employer wants him to do? A. Not in our organization.

Q. Generally? A. I think it is generally that way.

Q. And you think that he feels more about the productive end and is really a smaller gauged fellow than his employer, and has a false opinion in regard to his employer's attitude? A. I think any mistakes he makes in that regard lies with the employer.

Q. You think you would cure that then by putting the men on your safety committee and getting your foremen impressed with the idea of safety in that way? A. Yes, sir. That is one of the things we try to get them thoroughly saturated with. It is the most talked of as being of the gravest importance at this Friday morning meeting.

Q. From your general experience, Mr. Searle, don't you think that the foremen need education? A. Absolutely, yes.

Q. What does Mr. Wolf think?

By Mr. WOLF:

A. The very same thing. We are continually after our foremen to be careful in their inspecting to see the men are properly guarded.

Mr. RUSSELL.—My criticism of factory inspection chiefly at the present time would be this: That inspectors as they come around to us are thoroughly familiar with what we call the general building inspection, safeguarding of machinery, but in very rare cases are they familiar enough with the technical end of a particular business which we are handling to be able to pick out dangers that might occur in the operation. They are able to see if a wheel is not guarded, or a belt is not guarded, or improperly lighted corners, but they would not be able to tell from the actual operation which we do whether we were conducting that safely or not. That would require special inspectors for special classes of work possibly.

By Assemblyman PHILLIPS:

Q. You think, Mr. Russell, that if our inspection forces were large enough to justify it that we ought to have specialists in there. A. I think it would be a help. It is pretty hard to require any man to be familiar with all lines of manufactures.

Q. But you feel that as long as our number of inspectors is limited that we have got to have general men? A. Yes.

Q. Is there anything else in your safety scheme that you think of? A. Nothing further, I think, from what I have stated.

By Professor SEAGER:

Q. On that question, Mr. Russell, of factory inspection, if the Department were able to have a few specialists in lines—ought they to be specialists in connection with certain lines of work? A. I could not answer that offhand. It would depend upon the industries in the State. In the State of Pennsylvania they have a great share of the coal mines to look after, and for that purpose have to have a special line of coal mine inspectors. Also, it would depend upon circumstances in a particular section, and it would seem wise to me to select a man for those industries with which he was familiar.

Q. In your case a special boiler inspector, for example, would be helpful? A. Yes, sir.

Q. And elevators? A. Those are the lines in which the insurance companies are interested, and we find it desirable to have specialists. Of course, the difficulty is one man would have to spend a great deal of time in traveling around, because the number of boilers in any one locality is not very large. Let me illustrate in my own particular business. We have what we call the purifier house where the gas which we manufacture is purified. This is a particularly dangerous spot. It requires extra precautions in a great many ways, in lights, open lights, poor wiring. The way in which we handle that particular apparatus is very important, and the average inspector coming around does not recognize any particular difference between that process and any other, and he is not competent to pick out flaws in that particular department. The same is true in the electrical companies in some ways.

By Chairman WAINWRIGHT:

Q. You mean if you had a man who devoted himself to that special work he would be more efficient? A. Yes, sir. If we had an inspector who was familiar with gas manufacture and he comes around to my plant looking for careless operation in a

gas way, he will probably ask: When your men are working on ohms, how do you pay them? How do you handle your purifying boxes, when you are changing them? What protection have you got on your oil systems to prevent danger from oil fires, and so on. You get my idea?

By Mr. SEARLE:

A. Prolific source of accident in both oil and gasworks has been sending men into oil tanks to clean them out. They are not properly ventilated before they go in. An inspector who was conversant with conditions in that line, and who knew what rules should be observed for cleaning these tanks would obliterate any possible chance for explosion, unless some one who was familiar with the rules took a chance, and if he did and got out alive, I say he should be criminally punished.

By Chairman WAINWRIGHT:

Q. That kind of operation, making gas, that is in your department is it, Commissioner:

By Commissioner WILLIAMS:

A. We have nothing to do with the process. We are charged with the duty of safeguarding those who are employed, but a man so inspecting as you have described would be an expensive servant.

By Mr. SEARLE:

A. He would be an economical servant to society.

Q. The salary would be somewhat high?
A. Comparatively with a man who earns two dollars a day from here down, but that man would earn something from here up, and he would produce enough to the State to warrant it. A man of that calibre would cover a great many plants and acquire knowledge applicable to all electrical installation.

By Assemblyman PHILLIPS:

A. You might say that the salary of the factory inspectors in England is three or four times as large as in this State.

Q. Mr. Russell, applying your safety committee to this problem, while we have a good many accidents here from wood-working machines and a guard is necessary and our fatal accidents occur in different ways, which may not be anticipated by legislation but can be by a committee of this kind; for instance, hoisting heavy apparatus has injured in the last four years 4,497 people in this State, and about forty-six hundred have been injured by wood-working machines, and the hoisting of

heavy apparatus has killed 146 people; don't you think that most of that ought to be prevented by a safety committee in plants? A. I think it helps to prevent it.

Q. You cannot anticipate that by legislation as well as guarding the machinery?
A. No, sir.

Q. But a safety committee having the knowledge of the plant does? A. Yes, sir; the committee, for instance, examines all the ropes which may be in use, and occasionally look over the ropes of the plant which they have in stock. If they find anything unsafe they throw it out.

Q. In hoistways, shafts, etc., 200 people have fallen through and 43 of them have been killed — would you think your safety committee had neglected its duty if it did not anticipate accidents of that kind and prevent them? A. Yes, sir.

Q. And the same with accidents of falling through floors? A. Yes, sir.

By Mr. WOLF:

A. By injecting into the law to make a workman after being told and properly warned to be careful in the factory to have him made criminally liable as well as an employer.

Q. He is now. A. You have a law, an Employers' Liability Law, practically one sided and only hurting the employers without touching the workmen or the laborer. Why should a workman or a laborer not be made criminally liable after being told to be cautious and careful at certain machinery at which he works and which he handles? Why could not that be injected into your law, and thus do away with all the inspectors which you suggested? You can have additional inspections if you want a larger force, but you would do away with a great many accidents if you would make the laborer absolutely criminally liable after being properly told what to do and what not to do, and the best remedy you can give this law is such a provision.

Q. Under the law he is now criminally liable to some extent as the employer is he not? A. If he does a fool thing he is not.

Q. Neither is the employer? A. He may have to spend a good deal of time and money with lawyers to protect himself.

Q. You have heard Mr. Russell describe their safety system in the Rochester railway and light — do you think that an employer following up a system of that kind is like to influence his men so that the men will be more careful than an employer who does not have such a system? A. I think it takes education for them. That all depends upon if you have a great quantity of men. If you have fifty or seventy-five

men it would not pay as well as the Rochester Railway and Light Company.

Q. It is not a question of how well it pays, of course. Don't you feel that an employer, being more intelligent than his men, has some responsibility in the way of educating them in the dangers of their work and keeping up his men as a general in the army keeps his men in fighting trim? A. Certainly; he is after his foremen to take care of the men. Yet men will do some fool things, and for that reason they ought to be more criminally liable to make that law correct—to make them liable.

By Commissioner WILLIAMS:

Q. Under the present law an employee who deliberately nullifies the action of his employer in furnishing a guard is guilty of a misdemeanor, but the crime cannot be brought home to that employee unless the employer himself undertakes the task. For the State cannot obviously have an inspector in every plant to watch the employees who are engaged upon these machines, so that if the employer feels that the employee should be punished it is up to him. The machinery is in the law and he can proceed under that law to punish his own employee if he wants to? A. Only by discharging him.

Q. No, sir; he can proceed criminally by laying the information against the employee with the public prosecutor. A. He don't get any satisfaction particularly.

Q. I made this remark to meet your point that the employee should be punished. I say the machinery for his punishment is now in the law.

By Chairman WAINWRIGHT:

Q. If the employer has got the control in his own hands, why could he not discharge men for violating provisions or rules?

By Mr. SEARLE:

A. The discharge of an employee is a pretty serious proposition to an employer who likes his men. I insist that a man who has not given satisfaction in one department should be tried in another because it may be the fault of the foreman over him, for a slight violation of rules is not necessarily a reason for an absolute discharge; it proclaims the possibility of succeeding in another department. It seems to me that if the State factory inspectors are clothed with full authority they may call attention to an infringement of the rules; then if he comes around the next month and finds the defect has not been remedied he ought to be able to say: If I come around next

month and do not find the defect remedied I can bring action.

By Senator PLATT:

Q. Mr. Searle, what do you think of a provision in the law which would make it a misdemeanor for any employee to operate any machine after, say January 1, 1914, or 1915, which was not guarded according to the requirements and plans of the Department of Labor? A. Splendid law.

By Chairman WAINWRIGHT:

Q. What is the law on that subject today?

By Commissioner WILLIAMS:

A. I am afraid that if such a provision was written in the law the force of the Department would have to be augmented in order to take care of the number of cases I would be able to bring against employees.

Q. Suppose it brought a few of them into line; would not that have the desired result if it was known that there was a law that was going to be enforced? A. There is no answer to that question, Mr. Chairman, for I feel as Commissioner of Labor I would not want to assume the responsibility, nor do I think the responsibility should be forced upon the Department of declaring that a machine is safe, for a guard might be effective to prevent an accident in a large number of operations on a given machine, while it might not be effective in certain other operations.

Q. Somebody has got to settle it?

By Mr. SEARLE:

A. I might add that the Department should have the right to specify certain guards should be put on this machine, and then the machine labelled that these guards have been put on on a certain date. They do not guarantee its safety. Then if the inspector comes around and finds the guards off he may ask: You run this machine last month? Yes. Well, if they are off next month I am going to prosecute. It seems perfectly simple to me. I think three efforts like that would settle it. Promiscuous discharge of men causes punishment to their families and sends a man on the down grade rather than the uplift. It is terrible punishment for thoughtlessness.

Q. Would not that impose upon the Department of Labor the obligation of selecting guards of certain types? A. I can fancy you would be overwhelmed with guards, probably.

Q. Why shouldn't they, if they are good?

By Commissioner WILLIAMS:

A. For the simple reason that no man occupying this position of Commissioner of Labor could stand the pressure from all sides if he recommended a certain type of guard. It would only be a short time before he would be charged with pecuniary interest in the sale of that particular device.

Q. Suppose, Commissioner, you had one of these museums of safety or something of that kind attached to your Department where these guards can be found and seen and would not be placed there unless passed upon by some method such as we have suggested? A. That might relieve the situation.

By Mr. SMITH:

Q. Would you think it a consistent thing for the employer to expect the State, through its Labor Commissioner to pass definite judgment as to what might be the proper guards to be used?

By Mr. SEARLE:

A. Representing a large employer, I would be glad to pay our share of the taxes to have the Department as consulting engineer.

Q. Do you really think it would put the State in a consistent position; what would you think of a proposition of this kind, say, put that obligation upon the Department of Labor, the Commissioner, and then say that some man appointed to take charge, a kind of a committee representing employers appointed by the Governor, say, to pass on certain safeguards that might crop up from time to time? A. That sounds very rational.

Q. To be worked in connection with a possible establishment of a safety museum? A. Yes.

By Chairman WAINWRIGHT:

Q. You are familiar with these museums of safety? A. I am on the committee of field work of the United States Museum of Safety, and very familiar with it.

By Assemblyman PHILLIPS:

Q. There has been something said with regard to the carelessness of employees and their indifference to safety. If you were to employ two men to-day for some work in your factory or plant, one of whom had worked for five years in a modern factory where the employer furnished all safety appliances, kept the floors clean and kept up the factory in good shape; the other employee from a factory in which the employer was indifferent to these things, or

left pieces of wood lying around on the floors, which one do you think would be the most apt to be a safe man? A. The man who worked under the best conditions.

Q. It is really the atmosphere that the employer furnishes in the plant that educates and controls the men in their duty? A. Very largely. But when that is once furnished and that five years of education given and that man causes injury through lawlessness or thoughtlessness he should be pretty thoroughly involved.

By Professor SEAGER:

Q. If a man is so careless and thoughtless that he exposes his own life should he not be willing to suffer the consequences? A. My remarks were addressed to the fact of his damage to the other fellow.

Q. Is it not true that a man may be as careless about himself as his employer? A. If he is careless himself and injures others then there can be no question that the law should be clear as to the employer's responsibility.

Q. My question refers to the psychology of the thing; if the danger of death won't deter a man from being careless will any legal provisions do so? A. A man will take a chance who has a holy horror of his employer jumping him.

Q. A man does not set out to get hurt? A. So far as that is concerned he will get hurt. It is a mental attitude largely, and I think the moral influence of the suggestion from an outside source will have more educational effect upon a man of that type than the continuous fear which Mr. Russell brought out so clearly. The authority of the State carries authority greater than the employer.

By Chairman WAINWRIGHT:

Q. You think that fear is a greater fear than the fear of a man losing his job? A. The different publicity of the situation is what the man has to fear.

Q. Mr. Russell, have you any other suggestions to make to us brought out by the dialogue here? A. I don't think of anything further at present.

Q. Speaking generally, have you any suggestion or recommendations to make to us brought out by the dialogue here? A. I don't think of anything further at present.

Q. Speaking generally, have you any suggestions or recommendations to make to this Commission as to what can be done by an application of the statute law in regard to this question by conferring additional power upon the Labor Department or by the adoption by the Labor Department of any different rules or methods to insure

greater safety? A. My knowledge of the rules which they have at present is so limited that I don't know of any suggestions that I would care to make offhand now.

By Commissioner WILLIAMS:

Q. Mr. Chairman, in view of the fact that Labor Law is silent upon the question of electric or electrically equipped plants, I would like to ask Mr. Russell if they don't think it would be advisable to incorporate in the law certain definite provisions regarding safety in and about such plants; for instance, around dynamos and switch boards, would it be advisable to provide that the floors should be either constructed of nonconducting material or covered by such material? A. It certainly ought to be covered by material which was nonconducting, but there is no nonconducting material that will take the floor stress. The floor should be covered with a nonconducting material.

Q. I may say, although I am not an electrical expert, nor do I know much about the subject, I may have to disagree with that last remark, for I was in a plant in England this summer where they had their switchboards on a gallery and the floor surface was constructed of absolutely nonconducting material.

Mr. SEARLE.—What was it?

Commissioner WILLIAMS.—Glass, laid in joints so that there were no openings except such as were filled with a nonconducting cement.

Mr. SEARLE.—The reason I raise that point is that the coefficient of expansion of any substances that is nonconducting is different from the coefficient of expansion of any binder. And the different rates of expansion might result in air spaces between the joints which are anything but nonconducting. A man who depended upon that as a nonconducting floor might get an awful jolt. It is a pretty nice scientific question, and if he stood over one of those slight air gaps, it may be an invisible hole, he would get a shock. The covering of the floor can be made of anything that can come and go on a floor and has a coefficient of expansion which can expand and contract without binding. Linoleum is particularly good.

Commissioner WILLIAMS.—We have no power under the present law, Mr. Chairman, to require that such protection be afforded.

By Mr. SEARLE:

We have gone further; we are operating high tension switchboards with low-

tension currents, so there is no high tension to come to the switchboards at all. A man standing at one of our switchboards cannot get a shock of more than 110 volts.

Q. Don't you think it would be advisable to provide, either by law or by clothing the Commissioner of Labor with authority to prescribe rules for the proper safe guarding of electric plants in your manufacturing? A. I think the Commissioner of Labor should be clothed with that authority. We have never been asked by the Department of Labor to do anything unreasonable. I have never had any fear that we would be. I don't see any objection to legislation that protects human life.

JAMES GLEASON (vice-president of the Gleason Works).

Q. What is your business or that of your company? A. Foundry and machine-shop.

Q. How many men do you employ? A. Five hundred.

In our experience the present factory inspectors and such inspectors as we have encountered is all right, except that the inspection don't go far enough. He would be all right and perfectly qualified for a further inspection—a more rigid inspection. Now, it is not any more than a few instructions that are given. For instance, your average engine lathe has been run for twenty years without any guards of any kind, and the customs in modern machines is to guard them to some extent. And they are guarded perfectly with guards right down to none. It is merely a matter of instructing the factory inspector to get around and see that all gears are covered on such a machine, and some of these machines have been in operation possibly for twenty years, and cut possibly a few fingers off, the like of that, but nobody has thought it of much importance in the past. Another thing, for instance, take a traveling crane, the chains or the cables that travel over the sheer ways are not covered, so that when a man's hand will pass through a man will quietly place his hand on a cable, somebody else starts it, and the cables start through the sheer ways. It is a simple matter for an inspector to order, for instance, on a new traveling crane. We asked the local inspector to make some recommendations to us so that we could take it up with the manufacturer and buy new machinery.

Q. You feel you can profit from recommendations that are authoritative? A. Yes, a bridge to run across a crane, for instance.

Q. You feel that your manufacturing would have more attention if we said to the

Labor Department: Require a bridge to run across the crane? A. Yes, sir. Some cranes have it, some don't. It simply costs the price of running a few boards across with proper supports and a rail for the man to have a perfectly safe passage when he crosses. It don't require any special inspector to look up there and say that is not there.

Q. Why are you manufacturers less likely to if there is no order from the Labor Department? A. He will if it is in the original contract, if you are sharp enough to follow it up.

Q. You mean when it is required in the original contract? A. Yes. It costs something to put it in.

Q. We are trying to get at this question of how far the manufacturers of machinery ought to guard it before they send it out, so we can see what we can do to prevent that? A. Any machinery we export to Germany, France and England is usually guarded.

Q. What are the requirements with regard to the machinery you export? A. They require belts to be guarded, running gears. They require guards on belts that a man would be liable to get caught in.

By Chairman WAINWRIGHT:

Q. That our law does not require?

By Assemblyman PHILLIPS:

Q. You spoke of the machinery you sent over. The machines you build for export to Germany, for instance, you have to safeguard to a greater extent than the machines made for New York? A. We have simply learned that.

Q. You have acquired that knowledge from the fact you had to do it for Germany? A. In Germany the inspector will not pass a machine, for instance, if it has a shaft running close to the floor where a man may be likely to get his clothing caught. We never emphasized that before.

Q. Do you mind sending us a written statement of what guarding you are required to put on machines for export, and which the law does not require in New York State, on a machine sold in New York State?

By Chairman WAINWRIGHT:

Q. You recognize these foreign requirements as reasonable? A. Perfectly reasonable.

Q. Whether they are reasonable or not, you can't sell the machine unless you compel them. You recognize that as also effective or calculated to prevent accidents?

A. They do prevent accidents. There is no question about it.

By Senator PLATT:

Q. What do you think of a provision in the law which would make it a misdemeanor for a manufacturer to install or permit to be installed or operated any machine after January 1, 1914, or January 1, 1915, which was not guarded according to the requirements and plans of the Department of Labor, what effect would that have on your work? A. I think that would be reasonable. I don't think that the average manufacturer objects to the inspection or the recommendations of an inspector. I think he is very glad to see that it is done at once. This requires guarding according to specifications by some higher authorities of the bureau.

Q. Don't you find now that the manufacturers, especially the small manufacturers, will take the unguarded machine rather than pay the difference for a machine that is thoroughly guarded and gears all covered. A. It costs a little more to do that.

Q. Don't you think the small manufacturer will buy the unguarded machine in preference to the other? A. He might.

Q. As a matter of dollars and cents? A. Well, I don't know, as a matter of dollars and cents, that it amounts to enough to appeal to any manufacturer the cost of properly guarding a machine.

By Professor SEAGER:

Q. In your experience you sell machines that are guarded, other machines that are not guarded; what is the difference in expense between the two proportionately? A. It costs very little to guard a machine. Sometimes a simple change in the design accomplishes the purpose. We had a manufacturer come here from Providence, one of the big manufacturers of this country, because he heard of a governor or a safety device we had put on one of our machines. He came up here and looked it over, and I simply said the factory inspector of the State of New York ordered that on that, and he turned around to a smaller machine and said: "Did he order one on that?" "He did not," I said. "To be reasonable," he said, "he ought to order one on all machines."

By Mr. SMITH:

Q. Do you think that there might not be a good many plants where their original machinery might not be pieces of equipment according to the State's specifications, and to replace which by new machinery

might put the employer out of business? A. Speaking for the machine shop it would require some time, because if the factory inspector went through the modern machine shop or one that was not modern for that matter he would find, if he went through in a critical spirit, ordering things that should be done, guards put on that should be put on, he would lay out work that would require some time to do. The expense would not be great, but it is all expense, and it would require a long time. Take that case of the good old-fashioned engine lathe, and how many lathes in the State of New York have the gears covered? Very few. Go in shops in almost every city in the country, and you will find them wide open. Sometimes a man will work for a lifetime on one of these machines, and then again he will lose a finger.

By Chairman WAINWRIGHT:

Q. Yet the law to-day requires them to be guarded, does it not? A. I don't know.

By Commissioner WILLIAMS:

Q. The law reads: "All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded." That is a matter of instruction on the part of the factory inspector. A. You can't go into a machine shop in the State that has not gears that are not guarded.

Q. Very true. And it is undoubtedly true that some gears are effectively guarded by their mere location, where it is impossible or seemingly impossible for a person to come into contact with the gear. We do not consider that it is necessary to order each gear to be covered.

By Chairman WAINWRIGHT:

Q. You don't mean to say that there are a great deal of gearing that is not dangerous that is not guarded notwithstanding the law? A. Of course I do. It is not the custom for the inspector to go through a factory and order those things covered.

Commissioner WILLIAMS.—Not all. He will order such things covered as he deems dangerous. We have this term "properly" in the law.

Mr. GLEASON.—A lathe is not especially dangerous. A man might run one a lifetime without an accident, and yet the number of fingers, hands and fingers, probably run up into large numbers. A number of lawsuits were because of just such accidents.

By Assemblyman PHILLIPS:

Q. As a matter of fact the law is not

complied with. In fact there is one concern in this State that has commenced to comply with the law; that it is going to take comparatively years to do. But if they were going to increase their production they would probably employ a thousand men and do it some Sunday. Going back to the manufacturer of the machine. Do you manufacture gear-cutting machinery? A. Yes.

Q. And that, of course, is a machine that requires more or less guarding for safety? In your orders for that machine not for export but from New York State what percentage of them, as far as you recall, require the machines to be guarded as part of the specifications? A. I never heard of any.

Q. Do you know whether that is the general experience of manufacturers of machinery? A. No, I think the State of Ohio—

Q. I mean the State of New York, to be sold in New York State. A. I never heard of anything in this State. I have heard of manufacturers of machinery in this State that had to put on special guards for machinery going into Ohio.

Q. But you think your experience as far as this State is concerned is in a general way the experience of all manufacturers of machinery? A. Yes.

Q. Do all of your foreign shipments require guarding or simply particular countries? A. We have them uniformly guarded, on account of the number of complaints that we get from the foreign countries.

Q. In your export machines you guard them before you send them? A. We guard them all.

Q. You don't get a request for that? A. If it is reasonable, we do.

Q. In speaking of Ohio, what is the rule there that requires more vigilance on your part in guarding machines? A. Not on our part.

Q. You said in sending machines to Ohio— A. Not on our part; that was simply the case of an engine lathe, an unusual lathe. Driving gears going into Ohio and back gears must be covered.

Q. A rule of the Labor Department? A. Must be a rule of the Labor Department.

Q. From your experience and from your knowledge of the conditions in this State do you think fifty inspectors enough to do the work they ought to do, to inspect the factories. There is something like thirty thousand factories in the State.

By Commissioner WILLIAMS:

Q. I think Mr. Gleason in his first remark made it clear that he did not think we

had enough. A. I think the present inspectors, if they had time to make more thorough inspections, and had instructions to make more thorough inspections—I don't doubt that in the length of time they spend on an inspection, which in a large factory is not over half an hour or an hour, merely a matter of walking hurriedly through and tacking up Labor Laws, he does not have time to do much more, but he does discover a great many things which would not be called to our attention by anybody but an inspector. But I think with instructions to go over these details in a reasonable way that the number of accidents could be greatly cut down. And yet I must say that our new law has run up a number of law suits. I don't know whether that is in order, to say anything about that here. The last time I was here I had a talk, it was a great deal of talk, that we were going to reach a time when the employer and the employee would get together, the money would be paid directly to the employer.

Q. That can be done? A. But I notice settlements are being made. You offer—from personal experience—you offer a man the terms of the New York State Law, and he will refuse, a lawyer has been to him, he will bring suit, and before he gets through he will take less, and pay his lawyer out of that.

Q. It may be a matter of education for him. A. That is experience. They all refuse the terms of the New York State Law because it is not compulsory. It binds the employer, but it don't bind the employee.

Q. The Compensation Law which you speak of does not apply to the manufacturer.

By Professor SEAGER:

Q. You mean the optional plan? A. The optional plan, you can't get anybody to agree to the optional plan. The number of law suits developed since the new law has been in effect—from personal experience we know the lawyers have got busy, since that law has been in effect. They will probably until both parties understand the beneficial effect of the law. They are making a grand harvest.

By Commissioner WILLIAMS:

Q. Do you make the offer after the accident has occurred, Mr. Gleason. A. We make it generally understood that we accept the terms either before or after.

Q. You have said that they declined to do that—declined after the accident has occurred? A. After the accident has occurred. Before the accident occurs a man

don't—I tell you, there is a feeling about offering a man that contract to sign. I understand this optional law, a man could sign or not as he wished. If he signs a record must be filed in a county clerk's office. Ask a man to sign a thing like that, and he has a general impression that you are asking him to sign his death warrant.

Q. Have you had actual experience in that line? A. Yes, sir.

Q. Have you ever actually attempted to get men to sign an optional contract and the optional plan? A. Why, we asked a few men if they would, and they were so astonished at the proposition that we dropped it. Possibly if we had forced the matter we could have induced them to sign, but it would be a matter of forcing them. They are frightened or afraid to do it. They are afraid they are giving up something.

Q. And when the accident occurs if you offer them the provision of the New York State Law, the lawyer don't come in there?

A. It is true that you did not provide for the lawyer, therefore he don't want it.

By Chairman WAINWRIGHT:

Q. Yes, we did our best to keep the lawyer out. A. He don't want it because he is kept out of it.

By Commissioner WILLIAMS:

Q. You use milling machines? A. Yes, sir.

Q. Any accidents on your mill cutters? A. I have known them, but not recently.

Q. Have you ever seen a milling cutter guarded? A. No, sir.

Q. Do you consider that it is practical to get such a cutter. A. I don't know. I would have to see the guard. I never saw one guarded. If I saw some reasonable guard—I have seen accidents on the cutter itself. You mean putting his fingers on? I have seen a man put his fingers and parts of his hands through it.

Q. It is a dangerous tool; if a man gets caught he will suffer seriously? A. I never saw one guarded.

Q. I don't know of any milling cutter guards that have been applied to any such machines in this State. Moreover I want to say that while in England last summer I looked rather closely at that subject, and we found there no attempt had been made in England to guard milling cutters, except in one district, in the Birmingham district they had taken that up and were working upon it. Some guards had been devised, fairly efficient, some indifferently so. Our department is anxiously looking into that subject with a view to getting a guard that

will be suitable and efficient. I wanted to know if Mr. Gleason could help us out. A. I never heard of it. I say in the matter of guards there are so many guards that could be easily installed on machinery that the factory inspector has but to glance to see where they might go on. Now, some of these accidents, the reason they are not taken up is because, well, when the accident happens you think there is a possibility of carelessness. That the man must have been blind when this accident happened, it is such a careless thing for a man to run his finger over a shieve, for instance, but he will do it, and somebody else will do it. Although it is careless it is right there before him. Possibly he has his back turned with his hand on a cable. Yet those accidents are abundant, and it is the first thing that will catch an inspector's eye.

By Assemblyman PHILLIPS:

Q. Mr. Gleason, you stated that if we would go to your factory you would show us machines that the Labor Department has not required guarded, which are dangerous? Can you describe one? A. The old-fashioned lathe is one. Just a plain engine lathe.

Q. You have no milling machines, that is, large platforms running back and forth? A. That is a planer.

Q. They run close to the ground? There is an open space? A. There is a revolving circular cutter; various forms of them.

By Chairman WAINWRIGHT:

Q. You guard those; you guard the beds? A. The bed on a milling machine moves very slowly. It would not any more than push a man out of the way. The danger is from the revolving cutter.

Q. On the beds of some of the milling machines there are supports or something, in the General Electric Company. We noticed if a man staid on it it would push him back and crush his limbs. Some of the machines they covered over.

Commissioner WILLIAMS.—Those were planers.

By Chairman WAINWRIGHT:

Q. You cover the beds of the planers? A. We don't allow any obstruction in the beds. If a man's back were turned and were hit by that he would simply move out of the way.

By Assemblyman PHILLIPS:

Q. In some of those electric works, or locomotive works some of the machines have a plane so a man can't get in there

between the end of the plane and the end of the bed, twelve or eighteen feet long.

Q. Have you any more suggestions to make? A. Nothing except to increase the number of inspectors, and to carry on more thorough inspection in the factories, and change that law at once to cut the lawyers out, if it can be done.

By Commissioner WILLIAMS:

Q. Mr. Gleason, have you any definite method, or rather plan, for the periodic examination of your chains and hooks on your cranes? A. Yes, sir.

Q. Do you provide for annealing? A. We have a table for lathes provided in the shop, and the chains are annealed once a year. That is a thing that ought to be required by the factory inspection, at least the inspector ought to ask the question.

Q. We have no provision in our law relating to that particular subject, and— A. I think we ought to have.

Q. You agree with that suggestion that we ought to have a provision? A. Perfectly. Because it is a thing that the average manufacturer would never think of, that the chain should be annealed once a year.

Q. You consider that once a year is enough? A. Possibly not. There is no arrangement now. It is better than none.

Q. Do you think it would be advisable to clothe the Department of Labor with authority to prescribe certain definite shop rules to govern the conduct of the employees? For instance in the matter of clothing, which is a more or less fruitful source of accidents. A. The rules ought to cover both sides. A man ought not to take unnecessary chances. I don't see but perhaps in the matter of clothing a man ought to take necessary precautions; if he don't he ought to be forced to.

Q. I would also like to ask your opinion upon this point. Would you consider it advisable to provide by law for the inspection by the employer of all machine tools periodically and to provide also that he should file with the Department of Labor a certificate covering such inspection? A. I don't know how that would work. If your bureau orders certain changes to be made, the manufacturer is supposed to notify you when those changes are made. Now, if the manufacturer is supposed to go beyond what was reasonably required by the law, I don't see how he could.

Q. My idea is this, that we should by law impose upon the owner of the machine tools certain obligations with special reference to safety, and it has occurred to me that that method of requiring periodic in-

spection of his tools and the certification to be filed with us showing that such an inspection has been made would place upon him the responsibility, he would feel that responsibility a little more than he does now, when the inspection of his machine tools is purely voluntary. You see, the law now imposes upon him the obligation of inspection of boilers twice in each year or rather once every six months. Why can't we extend that provision? A. That is perfectly reasonable.

Q. That is perfectly reasonable. What I mean is to extend that provision to cover every machine tool that he uses.

Mr. RUSSELL.—This inspection to be made by himself?

Chairman WAINWRIGHT.—And file a certificate that he has made it with the department.

Commissioner WILLIAMS.—I would like to ask Mr. Searle's opinion upon that.

By Mr. SEARLE:

A. I don't see how it could be worked. The average employer of a large establishment would be utterly ignorant of the safety, that is, he would not have the experience in dealing with safety devices. He might walk down the aisles and file a certificate of inspection, but a man bringing that splendid experience of the inspector qualified in his duties, would bring a certificate from him that he had made such an inspection, would mean much more. My common experience in safety work has been that the average employer, even in large shops, those that they own or control, don't know a lathe when they see it, and they have a lot of them in their own establishment.

Q. I fear, Mr. Chairman, that they have not caught the point. Let me explain it. Perhaps that will be a shorter way out. What I mean is this, that the examination by the owner or some competent person employed by him, shall be for the purpose of determining whether the tool is sound or not. That is all. I do not have reference now to the question of safeguards particularly, but as to the soundness of particular tools. So there would be no danger of injury by reason of a defect in the tool. For example, testing a fly-wheel with a hammer to see if there is evidence of crystallization. It seems to me that that skill would be apt to be delegated, but it matters not who would make the inspection, so long as they get the result. Mr. Russell made that clear, that we ought to have men skilled in those lines of work to make these inspec-

tions. A. The experienced man would know what was the matter immediately. It is a pretty delicate thing to delegate, an art in itself, to some one that is not skilled in it.

By Mr. LOWE:

Q. Don't you think it would be practical for the foremen of the various departments to make this inspection and report to his superiors with reference to the condition of these tools?

By Mr. SEARLE:

A. The best foreman in the world in a machine shop may be deaf, and not know, because of his inability to detect defects by sound.

Q. Would not that foreman be incompetent? A. Not necessarily. A foreman might be deaf and in certain departments of work it would not be a detriment to his work.

Q. Certainly it would be a detriment in certain shops? A. Seventy-five per cent. in certain shops are deaf.

By Mr. GLEASON:

A. It might be reasonable; the case you cite is reasonable to my mind, the inspection of a boiler. That is something definite, something specific; we know what that is. For instance, if we should say the matter of chains, their examination, we would say that a chain is so old, it would be stamped on the chain, any provision of that kind, and the employer could be required to report on the condition of the chains, the number of times the chains would be annealed, and the date made.

By Chairman WAINWRIGHT:

Q. What do you mean by shop tools?

A. The rest is indefinite; get something specific like a boiler. That is reasonable. A chain is reasonable.

Q. That is supposed to be for the benefit of some unfamiliar with technical terms?

Commissioner WILLIAMS.—All machinery that is in use in a plant.

By Chairman WAINWRIGHT:

Q. Including hand tools, you mean, include them as well, what do you mean? A. I think my term was perfectly clear, machine tools. A machine is a machine.

Q. What is a machine tool? A. Every machine is a tool.

Mr. SMITH.—All machinery.

By Mr. SEARLE:

A. Take the number of foot tons of a rope—a rope running over a chain from

coal beds has a certain number of foot tons to travel, and the average man in handling a hemp rope will say, that is good for two tons, and if it holds five, the receptacle, I will run another gear. He makes a five-ton test. That rope should have a proper determined tonnage, carried out by the rope people. If that is used above that number it should be discouraged.

By Mr. SMITH:

Q. Would there not be in some cases where a tool was a defective one, would it not be impossible for a human agency to determine to warrant an employer saying these tools are all right after inspection, even though the tool was in good condition apparently, the defect was there, which it would take a skilled man to determine?

By Chairman WAINWRIGHT:

Q. I understood the Commissioner's point yesterday was that to require the Department to inspect all the machine tools in the 30,000 factories of this State would be a herculean task; that no Department with any equipment that we can conceive of could perform.

By Assemblyman PHILLIPS:

Q. Such machines as those in the General Electric Company? A. Yes.

Q. In lieu of that reform an inspection could be made by the manufacturer himself filing his certificate, that would be the next best thing.

By Commissioner WILLIAMS:

Q. That is right.

By Assemblyman PHILLIPS:

Q. That is what you attempt to do with your inspection committee.

By Commissioner WILLIAMS:

Q. Impose that burden upon the owner of the tools?

By Mr. WOLF:

A. I think it is up to the efficiency of the inspector. The men who are inspectors ought to be chosen from such an element, knowing something about engineering and about tools. They are not to be lawyers or people of that kind. They ought to be engineers; they ought to know something about tools, and I think it is right up to the inspector and not to burden again the manufacturer, because he has got enough.

By Mr. SEARLE:

A. Let us assume that one man is skilled in testing carborundum wheels, and has had

experience in that work. He comes to a little fellow running a wheel beyond a certain peripheral speed and he says: That is dangerous. The employer would be totally incompetent to pass upon it. He should be skilled in that art. A specialist could go to a factory and say: How many emery wheels, or carborundum wheels have you? Three. He will go through there in five minutes and with his skill he will naturally head things off.

By Mr. SMITH:

Q. Mr. Searle, don't you think that employers generally take the present law the same as yourself and Mr. Gleason take it as to State inspection; that instead of regarding the inspector as an unwelcome intruder, he is regarded rather as a helper? A. Engineers, that's what they are, consulting engineers. I agree with you. Take your hat off to him. He is an asset that should be reckoned with.

By Mr. RUSSELL:

Q. If the State employed these skilled men and paid them salary that would be adequate to their knowledge, such men as that would cover a great variety of subjects; would have to make a study of that particular business which he inspected. Take it in the gas business, my study is safety appliances in that line. It looks like an enormous task to cover so many fields. Still pay a man a large enough salary, so that he could educate himself along those lines, he would probably astonish us.

By Assemblyman PHILLIPS:

Q. Mr. Gleason, is your power direct drive, or do you have belting and shafting in your shops? A. We have both systems.

Q. How is your new shop? A. Both

Q. How much belting and shafting do you use? A. All the small machines are belt driven. It is a group drive. The large machines are direct driven.

Q. So your belts and shafts are for the purpose of connecting your units in groups? A. Yes, sir.

Q. Why use that form of power instead of the old way of heavy line belting? A. It is easier to move machinery, and it is probably cheaper.

Q. Is the installation cheaper? A. Group drives are much cheaper than motor drives.

Q. I am speaking now of the old fashioned way of having the line shafting with belting all over the plant. A. It is simply cheaper — cheaper to install.

Q. Is there a saving in power? A. Yes, sir.

Q. As against the long drive? A. Yes, sir.

Q. And it is undoubtedly safer, as about 2,000 accidents have happened within the last four years from belting and shafting; it is safer? A. In the immediate neighborhood they can step on a shaft instantly and prevent accidents.

Q. How about the economy of it? A. There is a great economy in it for the reason that in case of stops for any reason it is cheaper to stop a small number of machines than to stop the whole factory.

Q. Is it also cheaper? We are endeavoring to find out whether or not in recommending that power to manufacturers we are recommending something not only safer but cheaper than the old way of having a line shaft. A. The group drive is cheaper than the other, and it is more satisfactory to drive a factory in sections than as a unit.

Q. And it also does away with belting and shafting, which causes accidents? A. Yes, sir.

Q. One more point. Of course legislation must necessarily be general in giving power to the Labor Department. We can't anticipate accidents that occur out of the peculiar condition in a given factory, and a good many accidents are due to that. Do you think the Labor Department ought to be given power as regards the placing of machinery, and after determining conditions in a factory, power to make rules and regulations or requirements to try and do away with that danger? A. I do.

Q. You would not consider that giving them too much power over your factory? A. No, sir.

Q. What would you say with regard to the placing of machinery, if they would come in and ask you to replace a machine? A. I think that would be reasonable.

Q. Especially so in a new factory, would it not, before the machines were placed, if they looked over your plans? A. We have to submit to the rules and regulations of the Board of underwriters as to wires, etc. I don't see why we should not be willing to arrange the machinery.

Q. What are some of the conditions requiring wiring? A. They insist that new work should be properly inspected.

Q. You think it would be proper to give the Labor Department power to make rules with regard to the placing of new machines and the placing of machines or anything else of that nature found by experience to be valuable? A. Certainly.

Q. How about giving them power to make rules and regulations for the opera-

tion of a dangerous machine, either as regards the conduct of the men or the general method of the handling of the machine? A. I don't think there would be. That might be a difficult thing for them to do.

Q. We will assume it reasonable and using proper discrimination. A. I think it would be perfectly reasonable, as far as the employer goes, to have them do it. For instance, certain rules in the operation of the crane or certain rules for an engineer to observe. If there is anything that the Department could specify, why, it is just as reasonable as a boiler inspection.

Q. Do you think the State ought to make sufficient appropriation for the Labor Department, so that it could employ one or more men in the Department who could give their sole time to questions of safety, answer questions of the employers, and advising them of the bad conditions as they arise? A. I believe all the State requires is a few experts in various lines to instruct present men and add to that force to a reasonable extent to cover the present inspection. The present men, I think, are capable if they were instructed in the necessity of certain things.

Q. And to enforce the law? But in addition to that ought there not to be an expert bureau to act in an advisory capacity to employers, to give out to employers the combined experience of the employers of the State and to inform employers on matters of safety? A. To instruct inspectors, too.

Q. Mr. Gleason, can you give us any suggestions as to what might be done generally to better the conditions in the foundry business, as familiar as you are with it, and the dangers of that business? A. I think, Mr. Wainwright, I could give you quite a number of suggestions in that line, but it would be very much easier for you to be on the ground and see the conditions. If, for instance, you would have time to visit our foundry this afternoon, we would like to show you the actual conditions, and what might be done.

Q. Are there anything you could describe for our record? A. It would be difficult. It would take an expert in that line to do it.

Q. Your suggestions would be, of course for the foundry business generally? A. The modern foundry is a very different place from what the foundries were, which were built a great many years ago.

Q. Can you suggest any general safeguards or precautions relating to that business, which might become a rule for the use of the department or the subject of

some statutory enactment. A. That has been done here years ago, some of those have been enforced. For instance, there has been a great loss of life in foundries through the defective ventilation conditions. That has been done away with. That was one of the worst conditions in the foundry; the iron and dust and sand was bound to get into a man's lungs after a while, and the effect upon his health would be bad. Those things have been attended to. Emery wheels are supposed to have proper draft to carry off the emery dust. And the cranes should be properly guarded. There is one of the chief sources of accidents in the foundry, the cranes, traveling cranes.

By Commissioner WILLIAMS:

Q. What is your method of cleaning castings? A. We use a tumbler.

Q. You use them for your smaller castings: how about the larger? A. The large castings are simply cleaned by hand labor.

Q. And where are they cleaned, in the foundry? A. In the foundry, or in a special room provided for the purpose.

Q. Which is the best plan? A. Special room for the men who are employed and who might be in the room where the castings are being cleaned. Somebody has got to be in the room, of course, when they are being cleaned.

Q. That is true, but is it not best to confine the dust as far as it may be practicable? A. I think so, but of course in the case of a sand blast that would be absolutely necessary. In the case of the tumbling mills, they should be put into a special room and a proper ventilating system provided. I don't think that that particular item comes up so much. I don't think it should be left among the molders or the men working. I think the best way to determine a thing like that is to see the actual conditions.

Q. I agree with you. Now, let me ask you this question: If we did that, and we found that the practice in a given foundry was to clean the casting in the molding room while the molders are there, and as a result of our observations we serve an order on the proprietor of this particular foundry to provide a separate room for the cleaning of castings would you consider such an order an unreasonable one? A. No, I should not if the conditions of the foundry were bad. Years ago these old-fashioned tumbling mills were left open and I suppose a good many men have had their lives shortened through those conditions. If that condition exists to-day, it should be stopped. I don't doubt that something more could be done to improve conditions. It is better to go and see them. If there is anything

there, it is not anything like as serious as the original condition.

Q. We are gradually working in the direction of having the tumbler barrels equipped with exhaust apparatus? A. I think it is done almost uniformly in Rochester, and fifteen years ago there was not anything of the kind. I am well aware of that.

By Chairman WAINWRIGHT:

Q. Mr. Curran, do you think there is anything that should be brought to our attention from the standpoint of the men?

A. Mr. Gleason has covered all the matters that we are interested in.

PATRICK HASTINGS, representing the molders of Rochester.

Q. Is there anything in the Labor Laws in regard to the width of the gangways?

By Commissioner WILLIAMS:

A. There is nothing in the law that specifically covers that subject.

By Assemblyman PHILLIPS:

Q. Was not our attention called to that yesterday? A. It was.

By Mr. HASTINGS:

Q. Should there not be something to that effect that they should be a certain width?

By Commissioner WILLIAMS:

A. There is a danger of the men being burned by the spilling of the metal.

By Mr. HASTINGS:

A. Take the case of a young man who was injured here, losing his eye. The doctors have given up hope of saving it. In the particular shop where he was hurt, I believe the gangway would be about seven foot. But in some shops conditions are bad.

By Commissioner WILLIAMS:

Q. By reason of overcrowding? A. By reason of too narrow a space. That, of course, is a matter that should be covered by either giving the authority to the department to prescribe rules or by definite legislation. I think myself that perhaps the best way would be by giving us authority to prescribe rules so that we might be able to deal with conditions as they arise in different plants. The mistake would be, it seems to me, to attempt any flat ruling of law.

By Chairman WAINWRIGHT:

Q. What do you think of that, Mr. Hastings? A. I think there should be a

prescribed amount of space, because a man coming along of a special foundry with a ladle of iron, it would naturally take up at least three or four feet of room.

By Assemblyman PHILLIPS:

Q. Ought not the space to be wider in some foundries than others, depending upon the work they are doing. A. It would, I presume. I don't know about the space in the machinery foundries. I could not say.

Q. The suggestion of the Commissioner is that he ought to be given power to make rules covering a particular condition. A. Some foundries require wider space than others. The danger is that if you fix a definite space that might not be large enough in some foundries, and too large in others.

Q. That might be remedied after conditions were investigated by the Commissioner making a rule to govern the condition existing.

By Chairman WAINWRIGHT:

Q. Have you anything else? Is that the only feature of the foundry dangers that you desire to call to our attention, Mr. Hastings? A. I don't know of anything else. We have had accidents; in the last two years we have had six men disabled and laid up with burnt feet.

Q. Have you any suggestions to make, how accidents of that kind could be prevented? A. I could not Mr. Chairman. Sometimes they are caused by carelessness, and sometimes you can't explain how they do happen. In this particular case where this young man lost his eye I could not blame the firm; there was no neglect on their part. It was simply an accident that happened as it did. He was reaching down to pick up something on his shank, and another man came along and spilled iron from his ladle on him.

Q. You have heard the discussion this morning: have you got anything to add to what you heard or any views of your own to express along this line? A. I have not.

Q. Have you, Mr. Curran? A. Mr. Chairman, yes. I would like to say a few things. The machinery part of it is so much different from the stove building branch.

Q. You are an officer of the union and representing the machinery branch? A. Yes. That branch is so much different that any suggestion to be made whereby men could be prevented from being injured, and so on would be welcome.

Q. Have you any suggestions to make yourself from the standpoint of the men? A. I could offer some. But there is a question whether they would be practical, unless they were to be brought about by an

inspection of the foundry suggested by Mr. Gleason. It is almost impossible to explain conditions, when you don't understand them. There is one big matter about flasks. We will say that the men are in the machine shops. The flasks are set around in all directions, some large, some small. The men pouring in the large ones must get up on a scaffold and use a crane. The men with the small ones goes around with long handle ladles, a man at one end of it, and two men in at the other. There may be nails around the flask, or sand heaps piled up. Mr. Gleason's, an improved shop, is different, but not much. I have been through the American Locomotive works and the General Electric Company's works, and I was amazed to see the condition there. There were flasks piled up, and sand. It was impossible for a man to get upon the floor with tons of iron to pour into flasks. Something ought to be done to prevent these big ladles, weighing 500 pounds, three men carrying it, at the bottom of it a big red spot, something ought to be done to prevent the use of a ladle in that condition. There is danger there. The men carrying the ladle cannot see the danger. No one stops to tell them. That ladle might break through before the metal is poured. And the accidents that happened in a foundry are all not reported. Men are injured every day, and the employer can't prevent these things from happening. We believe that by competent inspection, and the suggestions made by this committee to overcome these accidents that happen in the foundries, this compensation act, and so on, are something whereby the men are paid or taken care of, or protected during this their time of employment.

By Senator PLATT:

Q. Aren't the men wrong in using a ladle of that kind? A. Now, to explain it to you, a ladle is daubed over with coal and sand, they are cast-iron ladles, and they are daubed with coal and sand, and many times you go to the cupola, what they call dry, and a man will take a little iron from the large ladle and pour it in until it begins to blubber and caulk this sand, and stir it, and work it. You don't always see; you don't know anything about it.

Q. That is a danger that can't be guarded against? A. I don't hardly believe it can. Sometimes in a casting of seven or eight tons it will happen. The man that will run away is called a coward. The question is when you start to pour, pouring the iron, and this should happen, and this should cut through, while they are trying to get the iron in to save that casting. You mightn't get burned seriously.

By Chairman WAINWRIGHT:

Q. Could any man by inspection prevent accidents of that kind? A. I hardly think so. I doubt if they can.

Q. That is a defect that would not be discovered until the mold was full of metal, you would not see it until the danger was there. A. That is inherent in the business.

By Mr. SEARLE:

A. I think that could be prevented by inspection because a man gets out of the way and the alleyways are covered, and he falls onto them. The inspector should say: "These gangways should be kept open."

By Mr. CURRAN:

A. I want to mention another fact. I find a number of manufacturers are interested in the compensation laws, and the risk and so on. Here is a notice that has been sent out by one of the manufacturing establishments that employs quite a number of men and others that employ thousands, and these notices have been sent out by them. And I want to call your attention to the fact: "It is the desire of this company to properly construct and maintain, repair and inspect all machinery, tools and appliances, also all buildings, works and areaways, in anyway connected with or used in the business of this company. Employees are hereby ordered to report in writing any defective or unsafe conditions of same to the foreman or superintendent, and to the employer. Failure to comply will be held as an assumption of risk on the part of the employee."

This is the way he is supposed to report: "I hereby acknowledge receipt of notice, which requires me to report any defective or unsafe condition of machinery, tools, appliances, buildings, or areaways connected with or used in the business office of and if such unsafe or defective condition is discovered by me, I hereby agree to inform my foreman or superintendent and my employer immediately. And in the event I continue in said employment with knowledge of such unsafe or defective condition the company is authorized to plead the same as a defense, as I will have violated the terms of an employment which make it my duty to report such unsafe or defective condition of appliances, etc., used in said business, such report to be made in writing.

I have also this day been advised by... personally as to his duties, ...the damages and risks thereof.

I, foreman (superintendent, hereby certify that I have hereby instructed..... personally as to his duties,

and have explained to him fully the dangers and risks incident to his duties.....

.....I, furthermore, certify that I directed his attention to a notice to the employees, and explained to him its provisions."

The object of my bringing this to your attention is this: How many molders in the foundry business are possessed of lead pencils or fountain pens? Suppose they are carrying this ladle, and the bottom is going to open up. Who is going to sit down and write out this defect?

By Chairman WAINWRIGHT:

Q. I should doubt very much if a man signed a notice like this, if he assumed any risk? A. There are thousands that have signed it in the city of Rochester, and the only ones that have not signed it are the molders, and it means the signing of it or the losing of his position.

Q. I suppose you don't care to disclose the name of the employer? A. No, I don't want to bring any hardship on the employer. If the law should uphold the employer in that respect we are virtually at their mercy. I don't know how the laws are. I don't want to, not being a lawyer. That is the statement, which we were required to sign and a couple of thousand signed it. Some heads of departments signed it. We consulted an attorney, and looked it over ourselves, and spent considerable money to have these laws examined, and being the commission is trying to protect the employers as well as the employees we thought we should not sign it. But we agreed any defects we would notify them. We were afraid of this proposition, as to what course to pursue. The only way we could see was not to sign it.

Q. In regard to the report. In the last four years there have been something over 1,500 accidents from molten metal, over 200 of which are probably permanent; ten of them resulted in loss of eyes, and five in death? A. We have many cripples around here. While they can work at the business they are crippled by being burnt. They have got burns they don't think anything of it. When a man gets well he goes back to work. I don't know as there is any way preventing these things. In making an investigation, making it fair to both employer and employee, we believe that all these little matters come to the attention of the commission, and they may be able to recommend and encourage legislation which will be beneficial to both sides.

Q. I suppose all of you gentlemen agree with what has been said in favor of the co-operation between the two? A. I have not heard a statement made here this morning that I don't concur in. I paid particular

attention to the statement of the case where an employee violated rules in reference to the safety plans, that he should be amenable to the law the same as the employer.

Q. You assent to that? A. I do.

Q. What do you think about the man losing his job, enforcing it absolutely. A. If he does not take the warning from the employer dismiss him, he should be dismissed at once.

By Mr. SMITH:

Q. Are we to understand that you are willing to subscribe to the conditions in the document, except that you don't like to put it in writing on account of the inconvenience. A. We are willing and it is always part of our duty—only too willing, to notify the employer as to a defect. Defects in the foundry are like defects in the gas business or the machine shop. You might take the flasks, for example, accidents will happen. The employer is responsible, and the employee must be cautious. Many times we notify a foreman as to a flask, and the foreman will say: "Go ahead, do the best you can with it." And the next cause of accidents are rusty chains, which break and down the flask comes. The foreman don't want to take the responsibility of building a new flask. They are left out in the back yard for six months and you bring them in all rusty, with a lot of weak spots in them, and the strain is different.

By Professor SEAGER:

Q. Would your objection to this notice be met at all if there were some provisions in it that give sufficient to make the information, and another interval of time for improving the defect? A. My candid opinion of this is that it should not be exacted of the men. What is it for? There must be a reason for it, and the reason is not for our best interests. I know the attorney that drew this up, a very prominent attorney in the city of Rochester, and he had a lot to do before this thing got straightened out. It is all right now, everything is all right. The men thought it was an injustice. They thought they were signing away their rights.

Mr. CURRAN.—It don't look justified upon their part to make men sign it. But there are thousands who have signed it. If it was some other business they might not give it such serious thought. I took it up with one of the proprietors and he had to laugh himself. I asked him about going and carrying iron, and I said: How would you notify him? Furnish every man with a fountain pen. What would he do when carrying a two hundred pound ladle of

iron, what would he do? He would go to the flask and pour that iron, even though he had to get burned. What if he was seriously burned, if he did not notify them in writing he would assume all the risk.

By Mr. SMITH:

Q. That is the reason I asked that question, because I thought you had some information. A. As Mr. Gleason said, it is a hard matter to talk about, these technical matters.

JAMES GALLAGHER.

I am a machinery molder. In all my experience since I have been in the business I have never seen an inspection of a chain by authority. The chains break when we are rolling them. They are never inspected. I have notified foreman that they were defective, and we were using them. I have seen them fixed one link to another with wire. Then another man picks up that chain, never notices that wire and hoists it up.

By Assemblyman PHILLIPS:

Q. What kind of inspection should there be of ladles, and how frequent? A. Every day, the foreman of the shop should do it, the men taking care of the ladles. For instance you could set a ladle over here in the corner, maybe not used for a month, and then it is picked up and after water has dropped on it. We were pouring a casting one night, weighing something like a ton, and this ladle I was talking about stood over here. Rain dripped in on it as we were pouring that casting of bullheads. The average ladle weighs about 250 pounds. We were filling this big ladle, there was supposed to be half a ton or a ton of iron. We had it topped, and as it struck this wet spot it sputtered, and the ladle man got riddled with iron. He simply ran to a tub of water and jumped into it. His burns were about as big as the head of a pin. You can see what an inspection of the ladles would do. If that ladle was heated up and dried that accident would not have happened. Also ventilation, and also toilet, the washrooms, they are not fit. We have a few foundries in first class condition. The American Wood Working Machinery Company has got a pretty good wash room, so has also Gleason's but the other foundries are in bad shape. We sometimes go into a refrigerator room for a toilet.

Q. Of course this is very important, but it is not within the line of our inquiry.

By Commissioner WILLIAMS:

Q. As a matter of fact we have inspection of chains, without having daily inspection, which, of course, the State could not undertake to do. A factory inspector simply does his duty as far as it goes.

By Mr. GLEASON:

A. I don't think we have enough of them.

By Assemblyman PHILLIPS:

Q. Could any amount of inspection that was given by the factory inspector, unless it was weekly inspection, guard against that? A. According to that I think that the foreman, superintendent—their inspection ought to go a good ways, if they would see to those things. If they have to get new chains it is an expense. Perhaps they could run it six months longer. It is an expense which the foreman likes to overcome. It lies with the foreman of the foundry.

Statement by Mr. L. MOORE, Assistant General Agent, Buffalo, Rochester & Pittsburg R R.:

A recent lecture by Dr. Tolman, of the Bureau of Safety Appliances, caused us to

make some investigation as to the use of safety appliances in our shops. We found that the shops at East Salamanca were fairly equipped, but at our suggestion, the master mechanic at a trifling expense arranged so that every machine or implement that might be dangerous to the workman handling it was equipped with a safety device of some kind. This action has decreased the number of accidents in that shop, and we seldom have a report of a man injured by coming into contact with a revolving saw or catching his fingers in cogs or being hit by pieces of an emery wheel which may have broken.

We have had the same experience at our Dubois shops where a large number of men are employed. We find that the use of some device to protect the eyes of the workmen while grinding on an emery wheel has met with gratifying results. The number of such accidents has been reduced to a minimum. We have not incurred a large expense in fitting up these appliances, all of them being made by the men in the shops from some discarded material, and they have sufficiently answered our purpose.

Adjourned to meet in Utica Monday, February 27, 1911.

HEARING OF EMPLOYER'S LIABILITY COMMISSION, AT UTICA, N. Y., FEBRUARY, 27, 1911.

Present: Assemblyman C. W. PHILLIPS.
 Commissioner LOWE.
 Commissioner SMITH.
 Commissioner of Labor, JOHN WILLIAMS.

W. PIERREPONT WHITE.
Utica Drop Forge & Tool Company.

By Assemblyman PHILLIPS:

Q. How many men do you employ? A. The men and women employed together number about 150.

Q. What is the nature of your machinery? A. The nature of our machinery includes drop forges, polishing wheels, milling machines, drilling machines, die sinking machines, tumbling barrels, and an electric railway. When our industry first came to Utica some eighteen years ago, it came as a wanderer from New Jersey that wanted a home. Since then we have been trying to build it up. It is a metal working industry, and while we have been busily engaged in building it — it was first put into a wooden factory, and our machinery commenced crowding, our floors were covered with oil and soap suds, our pulleys and shafting were rickety and in bad order, our ventilation was poor, the floors of our wings we added to give us more room were on a different level from the main floor, and it was with the greatest difficulty that we were able to provide proper air and accommodations for those seeking employment.

Q. As your work grew then, your space did not grow? A. Our space became smaller, and we did not have the means to get the proper housing for the additional space. In June, 1907, at night we met with a loss by fire, which was total. We collected the full insurance from the insurance company, and have put up a plant that I should desire to invite the members of this commission, present, and anyone else in the room may desire to go to-day, at whatever hour may be convenient to you, to see conveniences which we have now, and which we were permitted to put up, by reason of knowing what we wanted to do and what our requirements were. To-day we have a saw-tooth roof construction plant which covers about an acre of ground, with concrete floors in which the light, heat, air and ventilation are next best to having an outdoor job entirely. Heavy machinery is driven by electricity.

By Mr. LOWE:

Q. The individual motor principle? A. We have eight motors, the machines are run in gangs rather than individuals. The unit of efficiency would not permit.

Q. Your machines are small and you run them in groups? A. In groups, but our shafting in nearly every instance is on the floor so that there are no belts going to the ceiling. And all of these belts and shafting are guarded with wire netting and fencing. The belting of the machines that have to be driven from above the shaft is on iron pipes, which are placed upon this floor brought up into the tier supporting the shafting, the pulley adjusted, and the drive from the pulleys down to the machine. This leaves no weight upon our roofing. In the drop forge department over the space that each man occupies in front of his forge is a full ventilator carrying the heat directly above. Alongside of him is an air-tube with holes in it and an adjustment so that as the weather is warm or cold he can turn a draft of air on to the area he occupies and keep himself cool on a hot day. In the polishing department all wheels are covered with galvanized iron covers; wherever belts are they are protected by fences or guards. Now all of that would have been impossible for us to have done under our old conditions. We don't find that manufacturing is particularly exciting except as to getting the pay-roll out, and finding customers, and that is pretty exciting work. We could not have given any of these advantages under the old conditions. Local capital is difficult to bring in and get interested, but I should be pleased to extend my invitation to your committee to come up there and see personally the conditions that any person who knows what they are going to do and has the money at the time they start can equip their plant with and are glad and willing to do it. Now, I would be glad to extend that invitation to any in the room to come along whenever your hour is convenient whether this morning or this afternoon.

By Assemblyman PHILLIPS:

Q. How many employees did you have in

your old plant? A. We were employing between 112 and 128.

Q. Have you any records that will show the proportion of accidents in your old plant to the men employed, as against the accidents in the present plant? A. Our records are all with the department.

Q. From your recollection can you tell anything about what improvement has resulted in the way of accident prevention?

A. We were very free from accidents in both cases, extremely careful and very free.

Q. In your old plant you had steam power there? A. Yes.

Q. And all line shafting or belting? A. Yes, sir.

Q. Are you able to tell us anything as to the relative cost of a system of line shafting with belting as against motor drive? A. It varies so very much with each individual proposition that it has to be figured in each case, Mr. Phillips.

Q. Is there economy in your present power system as against belting and shafting? A. The economies are really too small there on a plant of our size. It would not make possibly more than \$100 to \$250 a year.

Q. But there is economy in your present scheme as against shafting? A. The economy is due to the ability to operate a special department which is light handed without operating the others and that provides a uniform amount of labor for those desiring.

Q. And a certain amount of power is used upon it in carrying your line shaft, even though no machines are going? A. Yes.

Q. The reason I ask these questions is that the Labor Department records, show, and the Labor Commissioner has tabulated those records of the last four years into one table, and that table shows that there has been 327 accidents from shafting, and 1,518 from belts and pulleys; of the 327 accidents from shafting, 39 have been fatal and of the 1,518 from belts and pulleys 64 have been fatal; 5 eyes destroyed and 86 fingers, 5 hands or feet, and 17 limbs, and of the remainder 144 are probably permanent injuries. Then there is 110 fractures. Of course, these figures show that shafting and belts and pulleys gives a great many accidents, and they are of a serious nature. When you do away with it in your plant you do away with a large source of danger, and in doing away with that you add to the economy of your plant. Is there any financial loss by operating as you do as against the line shafting with belting? A. No, if you have got a chance to start with it. But if you have not got the chance to

start with it you have a large capital to put in to get there.

By Mr. LOWE:

Q. As I understand Mr. Phillips' meaning he means after it is once inaugurated as between the two systems? A. You give us the choice between the two systems and the amount of money, and I will give you protection every time.

By Mr. SMITH:

Q. What methods for safety did you employ in your old plant? A. Belting and shafting in the old plant. We have been pretty free, Mr. Williams, we have been pretty free from accidents in our reports.

By Commissioner WILLIAMS:

Q. Except minor accidents? A. Under the old conditions we had to depend almost entirely upon personal caution. We were not in condition where we could guard much. We used protectors upon the belts and the shafting wherever possible, but it was a matter of personal constant attention.

Q. I infer that you probably had your heads of departments, foremen in charge pay particular personal attention. A. Yes, sir, particular attention.

By Mr. SMITH:

Q. This question of the possibility for accident prevention in the plants as against the better chances in the new plants has been having considerable attention from this committee. Now, it has been suggested by some that after, say a certain date, every factory would be obliged to conform to State Department regulations, additional regulation prescribed perhaps by legislation, growing out of this investigation; now would you believe that, say if they put that date off four or five years, that there might be some plants, if they were required to comply fully with these State regulations, that it would put them out of business? For instance take your own case: if this fire had not occurred and you still had your plant, and you were notified that after such a date you would have to do certain things? what effect would that have upon you? A. We should have been unable to comply, unless we could have shown large earnings, sufficient to pay interest on the cost of the reconstruction. Where the business is not sufficiently large to justify the investment it would put that plant out of the running.

Q. Well, of course, we know now that through that fire you have been able to put up a plant that is all right. What would you think about those who are in a less for-

tunate condition? Would you think it a consistent or a proper, or a legal requirement that after a certain date, and what would that date be? A. If you could guarantee credit enough in the local banks to enable the industry that that rule is put on to get money, and should have difficulty passing it if you can't establish the credit of the industry at the same time, it would put them out of the running.

Q. You think it is not consistent legislation? A. You are legislating for two things. Why not provide the money to do it with. You will find the co-operation if the money is there.

By Commissioner WILLIAMS:

Q. But, Mr. White, what Commissioner Smith has in mind is this: That if such a step be taken, it should govern a period of years, so that each concern could by a gradual process of elimination, eliminate the dangers and finally reach a standard set by law or by the Labor Department, would that in your opinion be destructive of business enterprise? A. Answering that I can say this: There are buildings in this county that have been used in the process of manufacture for more than sixty years; according to the insurance tables they are now worth nothing, because the depreciation charge annually has wiped them out, but these buildings are there, good for another hundred years, and the earning power of some of the plants that own those buildings is not large enough to throw them away and keep running.

By Mr. SMITH:

Q. That is what I want.

By Commissioner WILLIAMS:

Q. On the other hand, could the State in that legislation which would not affect structure but would affect tools and place upon the owner of the tools an obligation of conforming, within a given period strictly to certain definite requirements, could that be done without destroying business? A. In part, yes. It must be spread over a number of years, but if you start with your building wrongly constructed for the present condition, and not enough earning power on the part of the plant to recapitalize for a new building, costing \$10,000 or \$50,000, or even \$100,000, in some places is too much, there is nothing in the rearrangement of this machinery which would make a most satisfactory place to provide employment. For instance, your ceiling is such that you can put your shafting any place, but on the ceiling. Our shafting is on the ground, it ought to be there. We

should not put so much money in our ceiling in order to meet that heavy strain of the weight of the shafting. The ground is solid, put your shafting and pulleys down, drive from the ground. Now, if your building is wrongly constructed, you can't do it you can't make those changes, no matter if it is put over a period of years. There are certain ones that can conform, and others not. It is like a class in the public schools, certain can and certain can't respond to the curriculum given, no matter what the legislation is.

By Assemblyman PHILLIPS:

Q. Mr. White, what would you say to a statute giving the Labor Department power to make rules and regulations as applied to a factory in the condition that yours was before the fire, possibly requiring the replacing of the machines, where they are crowded, but readjusting things, not changing the plant fundamentally, but readjusting things for the purpose of preventing accidents; giving him discretion to do it, where it was a wise thing? A. A statute of that sort should also provide for the full publicity of all moves of that sort, because when a thing can't be done or is expensive, whoever is in charge of the department will be approached continually. We have all got human nature, and you just at the same time that you propose that statute protect the integrity of the man in charge of it, so that he won't be accused of anything of such as consideration for a particular ruling. You must protect the integrity of the man in charge of the department by statute.

Q. That applies to all departments where they have discretionary power? A. Absolutely.

By Commissioner WILLIAMS:

Q. Do you think, Mr. White, that it would tend to greater safety in manufacturing establishments if the employer himself or the State Department of Labor, with the proper authority, of course, prescribed certain rules or regulations which would affect the conduct of the employees, for instance in the matter of clothing, a frequent cause of accidents men working at machinery with loose clothing, carelessly adjusted, would you consider it feasible to evolve regulations? A. I am not in a position to answer that for you. Mr. Kelleman, our manager, could answer that for you in a moment, because he is in constant touch with that.

Q. Would you consider a provision in the law wise under which the owner of machine tools would be required to make in-

spection to determine the soundness of the tool, and to file certificates, showing that such an inspection has been made? A. No more than to put authority used by a fellow who knows what the sound is. You don't get that protection on the New York Central Railroad.

Q. But the fact that you don't get it is no reason why you should not get it. A. You asked me whether the result would be satisfactory. I don't think they are satisfactory on tapping car wheels.

Q. We now have a law under which the users of steam boilers in factories for heat or power purposes are required to have the boilers inspected once in six months, and they are required to file duplicate certificates of such an inspection with our department. What I have in mind is the extension of that provision so as to cover all machine tools. A. But the inspection is not a guarantee against accidents.

Q. Did you understand my question to mean this: that the State should make the inspection? I mean that the owner of the machine should make the inspection, just as he is now required to make the inspection of the steam boiler. A. He don't make the inspection of the steam boiler. There is an inspector paid by somebody else makes ot.

Q. Not in every case. He makes the inspection himself, or employs a competent person to make it. Some one who is paid for it from the outside. A. I don't think you would get a great ways that way.

Q. My idea is this that if we had such a requirement, it would impose upon the owner of tools certain obligations which perhaps he does not now feel that he is under. A. The liability of accidents and damages therefrom makes a man look pretty sharp for everything.

Q. If he was obliged by law to certify as to the examination of his tools would he not be more careful? A. Human nature on a certificate of that kind you will find pretty weak.

Q. But if the certificate could be subpoenaed upon the trial of an action, would not that bring home to him his obligation. A. I don't see more than at present.

By Mr. SMITH:

Q. It has been stated by the commissioner at a number of hearings that there apparently weren't sufficient inspectors in the employ of the State to make reasonably frequent inspection: what has been your experience as to that, and as to the competency of the inspectors? A. That I should have to refer to Mr. Kelleman, our

superintendent and manager. I am not in a position to answer that.

By Assemblyman PHILLIPS:

Q. Are there any representatives of the machinists or woodworking employees here? Our method of conducting these hearings is to first hear the manufacturers, getting an idea of the nature of the conditions in the business.

MR. CALDER.

Manager of the Remington Typewriter Works, Ilion, N. Y.

I am manager of the Remington factory works, employing about 2,300 people. I recently presented in New York City at the request of the American Society of Mechanical Engineers, of which I am a member, a brief on the causes of accidents and prevention, which I have been studying for some fifteen years both in Europe and the United States. I don't propose to read that brief, but to hand it in as representing my views on the causes and prevention of accidents to the commission. I have a copy especially printed. I would only say here, referring to the causes of accidents that these causes in my experience may be summed up as ignorance, carelessness, unsuitable clothing, insufficient lighting, dirty and obstructive working places, defects of machinery and structures, and absence of safeguards. These causes are developed in this brief with about 53 illustrations. What I wish to say this morning before the commission—and I knew about the meeting only half an hour ago—is that I have no objection, and the people I represent have no objection whatsoever to the existing labor law, and especially regarding accidents and safety, and propose no amendments thereof. But I as a student of this matter do feel that these labor laws would be much better respected, much better observed and more helpful to employers, who more than is generally believed are very anxious to prevent accidents if the hands of the Commissioner of Labor, who has only nine factory inspectors, and who has to appoint a deputy, who is really the factory inspector, if the hands of the commissioner were strengthened in certain ways, which I will briefly outline. In referring to the authorized abstract of the laws of the state upon factory administration, you will see that there is a Commissioner of Labor at five thousand dollars per year, who has a great many things to do—it is an appointive office for four years, then there

is a deputy commissioner at three thousand a year, several of these, one of whom is in reality the state factory inspector. He is necessarily largely occupied with administrative work, and he is not a virtual inspector of factories. Of the remainder there are 60 inspectors.

By Assemblyman PHILLIPS:

Q. The law provides for 60 but appropriations only take care of fifty.

By Commissioner WILLIAMS:

Q. The law permits the appointment of 60 inspectors, not more than ten of which may be women.

By Assemblyman PHILLIPS:

Q. Appropriations provide for only fifty.

MR. CALDER (Resuming):

A. Of these 60 inspectors only some five are allowed fifteen hundred a year. All the officers are appointed under the Commissioner of Labor, who may appoint and remove at his will every inspector and clerk on the staff. From my experience of administration in Germany, France, Great Britain, and Holland, and also for some 12 years in the United States, you have cut out at once all possibility of your best men in making these patronage appointments. You cease to help the employer by giving a body of officials appointed for reasons frequently of the best, and sometimes not, speaking in a general way in reference to the existing staff. The point is that the commissioner does not have the kind to build up his staff in the proper way, that these offices are of brief tenure, and may be all changed under the appointment of a new commissioner. I plead for the civil service rule, for the appointment of the men that we meet in scores of factories.

By Commissioner WILLIAMS:

Q. These men are under civil service. They are appointed from the civil service eligible list. The appointment is made by the commissioner, three names are certified, and he makes his choice. As a matter of fact the tenure of office in this State today is fairly permanent. So far as deputy factory inspectors are concerned we have some on our staff who have been in the service for fifteen, sixteen, and eighteen years. We do not change as frequently as we might, if we wanted to.

By Assemblyman PHILLIPS:

Q. I take it that Mr. Calder is speaking in a general way of the possibility of what might be done by frequent changes? A. By frequent ripping and tearing out offices

through changes. I have that knowledge of the conditions in other States.

Q. We understand you to take the position that these men should be retained as long as their work is satisfactory? A. They should be retained regardless of changes in their official head. Their tenure of office should be permanent.

Q. With regard to the compensation, what have you to say as to that? A. The duties of the factory inspector are divided into two classes in my opinion. I have been a factory inspector myself in Europe, and know something about it, and while specializing in work of organization for a number of years. I feel that there are two classes of duties. The labor laws demand for our education good health, fair appearance, and strict honesty; safety and health regulations require technical knowledge if the man is to be respected. When you get to talking of difficult subjects, and technical subjects you are required to talk in a way that will be respected. You are required to talk — to have some fullness of knowledge if you are to carry the employer with you and his engineers. You want to talk with someone who understands himself. My suggestion is for this purpose. The salaries are bad. No man of sufficient technical knowledge is attracted by them.

Q. Unless he goes in and gets interested and stays at a sacrifice? A. He won't do that. All the government departments are underpaid at critical points, partly because of the patronage and shifting character of the office.

By Assemblyman PHILLIPS:

Q. From your experience how do you feel with regard to factory inspection in the Labor Department; that it is sufficiently useful to justify the State in the large expenditure in order to prevent accidents and to enforce regulations? A. I certainly do. What I want is to see it strengthened so that a man may appear to comply with the regulations and the factory inspector may not have sufficient technical knowledge to tell that they are only being fooled. An engineer would see that at once and keep shouting until the thing is properly attended to. There is a great deal in the details of safeguarding, and I have been asked sometimes to do things which were consistent with the law, but undesirable from the point of view of safety, and a man who was not familiar with the technical side of it would simply ask if a certain thing was done.

Q. Right there, Mr. Calder, you feel that the inspector in the Labor Department ought to have the law authorizing him to

exercise some discretion in making suggestions and rules and regulations, even though they are not strictly required by the law?

A. They should be allowed, in my opinion, to form special rules. You take account of different factories and the deputy commissioner of factory inspections should be allowed five men at not less than two thousand a year, who are technically qualified to touch upon these questions of safety, health and accident prevention.

Q. Apart from his regular force of inspectors — whom he can send anywhere?

A. Yes, and that same permissive should be in the law, which enables the Commissioner and deputy commissioner in charge of the factory laws to issue regulations for particular factories. You have to differentiate if you are going to take care of the peculiar conditions.

Q. Your idea is that such regulation should have the force and effect of law just as in England? A. Just as in England.

Q. And the special rules under the Factory Act? A. Yes, after being laid on the legislative table for thirty days thus permitting representation. They can be changed from time to time without having to conform to legislative change.

By Assemblyman PHILLIPS:

Q. Then you think that that discretion should extend to the rules requiring the changing the machinery? A. Any emergency requirement in the interest of safety.

Q. The conduct of men operating dangerous machinery, or if the Commissioner finds that the conditions require men to wear particular clothing in that office and thinks it necessary to put his obligation on the workman as on the employer? A. Yes.

Q. I want to submit some figures to you, Mr. Calder: For instance, in the last four years in this State there has been 471 eyes destroyed by being struck with pieces of metal or glass. Of course that may happen sometimes unexpectedly, but where men are engaged, where that is likely to occur, ought they to wear goggles or some glasses that would protect the eyes? A. I have had some experience with masks in aerated water factories where the pressure sometimes indicated by a gauge which is not always true; the pressure will run up in the bottle, the bottle will be cracked and they will break with ragged edges and do damage. The difficulty there has been to get the workmen to wear the masks. You are protecting him from effects of glass hitting him, but wire masks are poorly ventilated, and there is a chance the workman will now and then say, "A bottle has

not burst for a week. I will lay my mask off a day or so." A bottle bursts and hits the man at the next machine. If he has his mask on he is all right; if he has not he may lose his eyes or sustain a flesh wound of a nasty nature.

Q. Do the masks cover the face? A. Yes.

Q. How about glasses covering the eyes?

A. In the Survey for last week there is a report of the inspector of the American Steel and Wire Company and an illustration of wire protection, some to protect from the heat of the furnace, some to protect from flying particles of broken glass, etc. I think that is being studied in detail now. It is a uniform difficulty to get the workman to use the means of protection.

By Commissioner WILLIAMS

Q. Do you press any steel in your plant?

A. We press only cast-iron and brass; buy all our steel.

Q. Do you ever do any chipping there?

A. We smooth all our machinery by rough grinding.

Q. You have milling cutters. A. Yes.

Q. I would like to ask if you have had any experience in guarding or attempting to guard milling cutters? A. The only way to guard the cutter of a milling machine is to see to it that a very well qualified man is working. If you take a cheap grade of helper he will take chances on these milling cutters and get injured. We had very few accidents.

Q. It is a difficult tool to protect? A. You simply can't protect it; if it is doing any work at all it must do fine work under rules and regulations, and the point of the operation must be always inside, and if it is to be in the line of vision and the man is to stand in front of it, it will work through any protection he must put on. We have only had in our large milling department, we have only had three milling cutter accidents in four or five years.

By Mr. LOWE:

Q. Have you any remedy to suggest for preventing of the removal of these guards off the eyes or the face? A. I have made various suggestions, included in the brief, which are chiefly these: that it is not enough to protect machinery to put up notices. The thing to do is to have the foreman of every department rewarded for working his department safely, and to put on him to train his men, and dismiss the dangerous employees.

By Commissioner WILLIAMS:

Q. You have heard my question to Mr. White as to placing the obligation on the

owner of the machine tools to inspect and certify as to the condition of the machines from the standpoint of soundness of operation, not merely from the standpoint of safety, what do you think of that? A. I have already expressed my opinion of that in the brief, and I will simply say that I don't think anything should be done that tends to relieve the ultimate responsibility from the employer for anything he does with the instrument.

Q. Would such a requirement tend to relieve? A. I don't think so. We are not discussing employers' liability. But I would like to say a word with regard to the stand taken by the insurance officials. I have been visited by the insurance officials, and they are wakening up and they don't feel like insuring any more the unavoidable risk of injury, and there is always an unavoidable risk, as we know, but they don't feel good about insuring the avoidable risk. To-day the best protected factories are paying high premiums, and paying for those not protected.

By Assemblyman PHILLIPS:

Q. The insurance companies don't differentiate in favor of the well protected factories? A. Whether the State does anything or not in the matter of the liability I have reason to believe that the employers will get together and inspect their own factories, as they inspect for fire now.

By Commissioner WILLIAMS:

Q. Would not the suggestion I have made tend to force manufacturers in self-defense to adopt that plan? A. I think the tendency in this country and abroad to make the industry rather than the employer bear the cost of the accidents tends to make the employer go into this business seriously.

Q. That is, take the Manufacturers' Association in the city of Utica, through that organization they ought to devise or might devise some scheme for inspecting all the plants, the plants that are members of that organization? A. Yes, sir. I believe that preventable accidents can be taken hold of. Sixty per cent. of accidents are not preventable unless the habit of carefulness, cleanliness and tidiness can be developed among the workmen.

Q. You think that in a plant in which the employer shows affirmative action in favor of safety, keeps his plant in good shape, takes hold of the thing actively himself, that has a moral effect upon the men, and they are more likely to co-operate than in a plant in which the employer seems to be indifferent? A. Undoubtedly. In the brief

mention a case of a factory which had 200 accidents per year, now the accidents are reduced, with more employees, 50 per cent. more employees to about 49.

Q. In what way? A. By guarding machinery, by instructing their foremen, by absolutely prohibiting certain things from being done.

Q. Is a foreman,—you probably in your work have had a good deal of experience with them, coming into contact with them,—is the average foreman likely to have a false view as to his employer's attitude on matters of safety, and underrate his desire to prevent accidents? And I feel that the foreman's duty, if he carries out the wishes of his employer is merely to rush the work through indifferent to what happens to his men. A. That is so if the safety provision is not a part of your organization.

Q. Then, you feel that the foremen are a vital point in the accident prevention, and the employer should impress upon them the necessity, and educate them to that end of their work, as well as the production end. A. He must do it more; he must provide safe working conditions, and the foreman must see to it that the workmen perform their part.

Q. Now, we have sometimes heard a good many suggestions that the men ought to be more careful. Now, that is true of course, but the suggestion comes as though if all the men look out after the accidents, they would be prevented? A. I don't believe it.

Q. The real way to prevent accidents is to place the responsibility upon the employer who is in control of the institution, then down to the foremen who are in control of their departments, rather than leaving it to everybody, which amounts to nobody's looking after it? A. And to combine that with the power of the factory inspectors to compel the workmen under some statutory penalty of some kind to use safety guards. In certain industries workmen not only hurt themselves but any carelessness on their part affects others also.

Q. Sometimes we have found that men say that certain machines are more dangerous with the guard than without? Does that occur in your plant? Q. There are a number of guards on the market and in use which are not guards, they are a humbug. In our works we study out our own guards. I don't think we have a patent guard. The patent guards are made to sell in large quantities, and for that reason they are often far more complicated than necessary, to fulfill the particular problem you are on.

By Mr. SMITH:

Q. That suggests something: Do you believe an employer is ever in a position to warrant his signing a certification making the statement in black and white that on such a date examination had been made of the machinery, and it has been found absolutely sound? A. Rather not. There are conditions existing in machinery that can't be discovered. I would not like to make that certificate myself. The accident may arise through inefficient causes, and I should not like to be on record as apt to say it could not happen.

Q. Unless you were in a position to make a statement that could be backed up by results, would you think that certificate would be of any account, in cases of the bottles under pressure? A. There is one aspect of this whole accident prevention matter, that I have not mentioned. I might mention it. It is this; that you are dealing with different kinds of people, and in the ownership of factories, for instance you are dealing with the small occupier, who is a workman, and who is not prepared to spend a cent on his plant that he can avoid, and the large corporation which spends a great deal of money. The small factory owner needs instruction and help, and for that reason his certificate would be worth very little if he did not have technical knowledge. In Europe it has come to insist that a competent person should make the certification, and they hire engineers for that purpose.

Q. Do you recollect the wording of the certificate? A. The form used in foreign countries? A. You will find it in the English Factory Act, the latest edition, 1906. And you will find there a full statement of it. It amounts to this that the employer shall every fourteen months, it is really intended to be every year, the two months are for leeway, every fourteen months I think, that his boiler is inspected by a competent person. Most of them take refuge in the boiler insurance companies who hire competent inspectors.

Q. But machinery in general is not certified to? A. No. It is hardly practicable, because in the works that are extending very rapidly the conditions are changing constantly.

Q. Your idea then is that about the only wording of a certificate that would be totally representative would be according to the best knowledge and belief? A. That is all.

Commissioner WILLIAMS.—That would be worthless.

Mr. SMITH.—It would direct the employer's attention to the necessity for inspection.

Mr. WHITE.—And find some one who could carry the load.

By Assemblyman PHILLIPS:

Q. Do the Remington typewriter works have motor driven machinery? A. Motor driven. There is line shafting, but it has groups.

Q. Just for the group? A. That is all, yes.

Q. Do you know anything about the relative cost of motor driven machinery, as against a line shafting for everything? Is there a saving in power? A. The capital expense to begin with is greater for the motor driven, and the maintenance of the motor driven shaft is a little less, not much less, but there are great economic advantages in being able to shut off parts of your works, and the power you waste, in running shafting you don't want to run, and the friction of these direct motors more than makes up.

Q. Cluett, Peabody & Company state that they save about 40 per cent. of their power friction load. A. In old works that may well be, but in the line shafting that is too high.

Q. But there is a saving? A. Oh, yes.

Assemblyman PHILLIPS.—And of course there is accident prevention, and the cleanliness, things of that kind brought about by the motor driven.

NATHAN C. VISCHER.—A factory inspector has no discretion within the requirements of the law, has he, Mr. Williams?

Commissioner WILLIAMS.—No, our powers are fairly well defined.

By Assemblyman PHILLIPS:

Q. The question is whether the Commissioner ought not to have the discretionary power to take care of peculiar conditions. A. I think he ought to have all the power necessary to make safety devices.

Q. What is your own experience with the Labor Department through its inspectors; do you think there ought to be more inspectors? A. I could not say. We are inspected right along.

Q. (to Mr. Calder). There are over 30,000 factories in the State, with fifty inspectors to cover them; do you think the Labor Department ought to have more inspectors? A. If the department had five or six really equipped specialists and would issue a bulletin from time to time of improved safeguards, that would add far more value to it; get information to all the factories, and that would be of far more use to the factories than an army of inspectors, to see that the law is enforced in

30,000 factories. I favor a moderate number of inspectors, and a fair sense of responsibility on the part of the employers.

Q. You think they would be a benefit to him? A. If they were the real kind they would be.

Commissioner WILLIAMS.—I want to remark that there are certainly not less than 30,000 factories in the State using power, having machinery. There are in addition not less than 15,000 workshops, which do not use machinery, so that we have to cover not less than 45,000 establishments, and a great many of the serious accidents occurring are caused by other things than the operation of machinery,—a certain number, yes, a majority of accidents occur in factories using machinery.

Mr. VISCHER.—I think they could spend their time more in trying to avoid accidents than looking for sanitary arrangements. That is the only complaint we have to make; they insist upon our putting in wash-bowls and arranging our plumbing, when most of the men don't wash there. We had closets and everything up to date. I think time spent to make things to relieve accidents is good. It might produce hardship on some employers by installing proper washrooms. I am not familiar with the full law, I don't know.

WILLIAM McCLEARY (McCleary, Wallen & Crouse).

By Assemblyman PHILLIPS:

Q. You manufacture carpets and rugs? A. Yes.

Q. And your machinery is of what nature? A. Looms mostly, cards, spinning jacks, motors, such as that.

Q. Carding machines? A. Yes.

Q. Most of your accidents seem to be in loss of fingers? A. Yes, loss of fingers, many accidents of that kind.

Q. Your machinery is all guarded? A. Yes.

Q. Did you have any difficulty in acquiring a knowledge of the various guards on the market for your line of work? A. No. Of course, English machinery is very well guarded; the American machinery is not guarded in the same way, and we have to apply the guards ourselves.

Q. Now, if the law required guarding of machinery at the factory where they are made it would be a help? A. Yes.

Q. Is any of your machinery made in New York State? A. Yes, most of it is made. The looms are made in Philadelphia, the carding and the spinning machinery is made in Massachusetts.

Q. And the motors, of course, are made mostly in Schenectady? A. Yes, we drive mostly with the motor drives.

Q. Was there ever a time when you did not? A. Yes.

Q. You had line shafting then? A. Yes.

Q. You can probably tell whether there has been a saving in power by having the motor drives? A. Oh, yes, there is quite a large saving.

Q. How large? A. Twenty-five per cent.

Q. When you made your change did you make it all at one time or gradually? A. Gradually. We are gradually making it all the time. For instance, on looms we are now adopting individual motor drives on looms. It is now a new thing altogether.

Q. Instead of group drives? A. Instead of group drives.

By Mr. LOWE:

Q. You think that has a tendency to lessen accidents, removing the danger of more or less belting or shafting? A. Oh, yes, there is no doubt about that.

Q. It is cleaner? A. It is cleaner.

Q. And of course more prompt in action? A. There is nothing of that kind.

Q. Do you know whether manufacturers generally are following your plan, gradually changing to motor drive? A. I think so. In most of the modern factories they are installing that machinery.

Q. How old is your factory? A. We started in 1886. Of course we have been growing since then, sometimes quite fast. For instance, in 1902 we built a large factory for manufacturing Axminster carpets, which has 225 looms. That is a six-story building. Then we went more especially into the motor drive. We equipped for that purpose, but the group system, not individual.

Q. You used to have the group drive? A. I have been gradually getting away from that to the individual motors, yes.

Q. Have you had any accidents in your plant of recent years? A. Oh, yes.

Q. What have been the nature of the accidents? A. We had an accident recently on a carding machine. A man running a carding machine stripped the flesh off his arm. The only accident that we have had of that nature was last summer. We had a shuttle fall out of a loom and put a man's eye out. That was the first accident of that kind we have ever had.

Q. Some defect that caused the shuttle to fall out? A. Nothing that could be anticipated. It probably struck a thread in the warp and made it cut up.

Q. How about this accident in which the man hurt his arm, could that have been avoided by any different card? A. I don't think so. Nobody seems to know just how he did it. Another accident was where a

man lost his hand where he had no business around the place and the place was crowded, and he simply put his hand into an opening, where he should not have been at all. There was no necessity for him going there; it was where the wool blew out of this opening.

Q. Why did he put his hand in there?
A. Why did he put his hand in there? I don't know.

By Commissioner WILLIAMS:

Q. What caught him? A. A pin that goes around in this arm that is covered. It is a covered iron machine, what they call a duster. This duster is a series of iron pins. Inside of this machine it turns around rapidly, making probably two or three hundred revolutions a minute. Now, there is a square hole about fourteen inches wide where there is a fan, and that fan blows the wool out; there is a box in there where the wool blows out, and he went in there and got his hand in there by some reason or other, we don't know, we could not find out why he went in there. It was not his business, he was tending the front of the machine, feeding on the wool into this duster. The man is working for us now. We have had several people lose the ends of their fingers, where they got caught in a loom, but we have not had very serious accidents.

Q. Have you had any accidents of people falling through openings in the floor or hoist ways? A. No, we have those covered pretty thoroughly. I heard this discussion about the factory inspectors. I would like to say this, that of course the factory inspectors, there are not many of them, and they don't make very many inspections during the year, probably from the reason stated, that there is not enough of them to go around and make very frequent inspections during the year, but you know that they look at the shafting to see if there is set screws protruding on the roller, but outside of that there is no inspection of the machinery at all. Three-fourths of their time is inspecting the sanitary arrangements. There is no inspection of the machinery.

Q. The individual machines? A. No. He never looks at them. If we have an accident the inspector when he knows it will go and look at that machine to see, and probably inquire into the causes of the accident, but outside of the inspection of that kind, or inspection of sanitary conditions, there is very little inspection, which I think is a mistake. I agree with that gentleman that just spoke, Mr. Calder, that it would be a good thing if the State had engineers to go around in a similar capacity to the

mutual insurance companies' inspectors, who inspect everything. They inspect for fire, of course, but they do also look after other things.

Q. How many machines have you in your plant? A. Some 700 looms, carpet looms and rug looms.

Q. The point I was trying to make is, how much time it would take if the inspectors were to inspect all the machines, and whether it would be necessary to have more than fifty for the entire State. A. It would take an inspector, to go through our machinery, it would take him at least eight hours. He could do it thoroughly in eight hours. That is about the time it takes the insurance inspectors, and they go very thoroughly into every part of the mill and examine the sprinkler arrangement and the water and the ashes. It would take about the same time.

Q. About a day? A. About a day. I would be in favor of inspectors to go not only over machinery, but have different, two different kinds of inspectors, one mechanical inspector and a sanitary inspector. They are both required. In a concern like ours we have to depend entirely upon the foremen, for running the business, and the head of the department, and they neglect things. We had an accident a year ago last Christmas where we had a foreman on a spinning press, where there was a mitre gear that was covered, but he had been doing something to the machine and had left the cover off these gears.

Q. The workman or the foreman? A. The foreman. A workman, one of the boys, went around back of the machine, this was on the back of the machine where it is not necessary for the operator to go very often; he went around to the back of the machine to discover what happened to be wrong, and of course this gear was off, a small gear not more than four and one-half inches in diameter. He got caught in there and had an accident. We have a law suit out of that, the insurance company, we are insured, and of course, though the trouble is with the insurance companies, they don't pay up until there is a loss, except in these minor accidents. If they run up then they go to law. An accident of any size they don't pay.

By Mr. SMITH:

Q. I take it from your conversation or your statements that you welcome rather than resent the visits of the inspectors so long as they are competent? A. Yes.

Q. That represents the sentiment generally at the present time among employ-

ers? A. Yes. I think it is a good thing. It is a help to the employer because he has something to work on.

Q. You think that manufacturers usually are busy? A. They depend upon these men. They can't examine the machinery themselves; and sometimes we have inspectors in our factory of our own, mostly for our water, and for other things. But we can't be there at times, and I believe that the law ought to see that in the first place machine makers put competent guards on all the machines, same as in England. Another thing, in regard to this thought of placing shafting along on the floor, down on the floor; of course, I suppose, that implies the necessity for some floor space.

By Mr. SMITH:

Q. Don't you think this overhead shafting placed at the ceiling can be as protected and be as safe? A. We have not got any shafting on the floor. We have abandoned that. Where we had machines of that kind we generally run a little motor, sewing machines, driving sewing machines, and like that where they have looms, the same as in knitting mills, there they are obliged to have this shafting underneath.

Q. It is all covered? A. It is all covered, generally.

By Mr. LOWE:

Q. What would you think of a law making it a penalty for any employee or foreman to remove any of these safety devices from a machine? A. You know how the law is enforced in a great many cases, I take it: A man is examined before a magistrate in a small town, the magistrate knows he is under obligations sometimes to him, and the penalty is not severe, he will let him off with a caution. I belong to the school board of the city of Amsterdam. We have these truant cases, the result is that the recorder gives the boy a lecture, and that is all there is to the remedy. The State inspector can read him a lesson in regard to what his duties were in regard to the sending of truants and taking care of them, but it does not do any good. He says he knew his business, and so they don't amount to much. The only way in a case like that is the way that we and that everybody takes when a foreman is negligent, is to let him go. We did that in the case of this man that left that cover off that machine.

By Assemblyman PHILLIPS:

Q. From your knowledge of the foremen do you think they are inclined to pay more attention to the turning out of their work

than they are to the safety branch of their work? A. I think so. You are after them all the time for the production of the machine.

Q. And they feel they want the credit of turning out work, and they will take a chance? A. They may have to do so.

Q. You know what these machines will do and you expect them to do it, and if not you will find somebody else to do it.

By Commissioner WILLIAMS:

Q. That is the law of business? A. That is the law of business. That is natural.

Q. Do you think it would prevent accidents if the employers of the State would start out with the proposition that the foremen shall prevent accidents, and make that part of their foremen's duties? A. I believe if you have a good factory inspection, the same as the fire insurance companies, either by the State or by the insurance companies, who are taking these liability accidents the same as mutual fire insurance companies of the State, and the factory insurance societies, I believe that would tend more to prevent accidents than anything else. The foreman would begin to point to them, call their attention to them in their reports—it is reported to the office, then the office goes after them. Then the next time the inspector comes around and the fire insurance recommendations of the last inspector are in his mind, and the first thing he does he goes to see if those recommendations are carried out, if not, why not? The result is, you know what is done to the fire insurance, everything is a matter of record, and it can be done in regard to accidents. Thorough inspection—and I think that the State or these liability companies ought to do it.

Q. Do the liability insurance companies do very much inspecting? A. None at all. Don't pay any attention.

Q. So far as your experience is concerned? A. No.

By Mr. LOWE:

Q. Do you have any trouble from the workmen removing the various safety devices from the machinery with which they are equipped? A. Yes, they all do it at times. You must watch them.

Q. Have you any remedies to suggest for the prevention of that method? A. Only remedy that I can see, when you catch a man doing it—we have notices in our factory that anyone that removes any of these safeguards will be dismissed, and I don't know any other remedy you can have. Because, as a general thing, you know that constant use and constant work on a machine they get so used to it that they don't

think of an accident, and it is always the unexpected that happens. Same as when you are not thinking of it you have an accident through carelessness.

By Commissioner WILLIAMS:

Q. Mr. McCleary, you mentioned that you had an accident not long ago, by reason of the shuttle falling out? A. Yes.

Q. Are your looms equipped with shuttle guards? A. We have a great many looms that don't have shuttles, but these looms were not equipped with guards. We are putting guards on now. This was a loom twelve feet wide. There were two men on a loom, a man on the right hand side, and the operator, who removes the clutch. Our looms, I might say, don't run constantly. This was a chenille loom, that has to be stopped to get the pigment on; then the loom is started again. It was in the starting of this loom that the fellow who was around on the left hand side of the loom got his eye knocked out. Since then we have put a guard in the center of the loom, a wire guard made out of wire cloth, very heavy.

Q. You also stated that one of your men was injured on a card, but you did not explain how that accident happened. I am curious to know. A. I could not give you just the details of it because I did not go into that thoroughly. In drawing in what we call the "licker-in" that helps draw this in he got in on that revolving arm, so stripping the flesh off. The card has got this wire comb on, that is, like a comb, and it very soon stripped the flesh off.

Q. He opened that cylinder, I suppose, and got it there. A. Our cards are not covered.

Q. Not covered at all? A. No.

Q. None of them? A. None at all. There is no cards that I know of that are covered.

Q. You don't spin any cotton? A. No.

Q. The cotton cards are covered? A. Yes.

Q. I did not know but what your spinning cards were as well? A. No. Of course we have these self feeds on the card which don't require people to go around. Sometimes, I suppose, they see something on there and might try to pick it off. I suppose that is how this man got it. We made a detailed report to the State department which showed exactly how it was.

Q. I wonder if there is a manufacturer of cotton here? (No response.)

By Mr. SMITH:

Q. Do you believe that by additional competent inspection by the State and an

inspection, good inspection, on the part of your foremen and others and by the installation of reasonable safety devices that personal injuries can be reduced without reducing the production? A. Well, that would be a hard question to answer. I don't hardly think so. We think that we have taken all the precautions necessary, that we have had but very few accidents, but we do have accidents occasionally. And while I think it would help, no doubt would locate the cause of the trouble, somebody must be after the foremen to keep them where they belong. It is always a good thing to have inspectors who are on their jobs, finding fault; it is a good thing for the manager of the mill to go around and find fault, that is nine-tenths of his duty. Many of his duties require him to be a fault finder, and the inspector who is a good fault finder would do a lot of good.

Q. We are official fault finders, sometimes find too much fault. A. I think that such a part of it ought to be done. The manufacturers have generally gotten over that part of it. They all agree that it is a good thing to have the official inspector. We used to resent the old-fashioned inspection by the fire insurance companies, because it was very efficient inspection, but where it is efficient inspection I think the manufacturers generally try to comply with the law.

By Assemblyman PHILLIPS:

Q. Some of the employers have safety committees in their works, sometimes made up of foremen or men from different departments; they meet and compare notes. The Rochester Railway and Light Company's safety committee inspect each other's departments, that is, a man from one department inspects another department every two weeks. Don't you think a system of that kind in the different factories would help to call attention to the dangers, and set everybody thinking to prevent accidents, and the men, and the foremen, and everybody interested in the subject of accident prevention; it is much a matter of education? A. I think so. Of course you know we are very largely interested now in the liability part of our business. It has got to be a serious thing. We have to pay high rates now for liability insurance, and of course we are very anxious to lessen the amount of accidents.

Q. Have you anything else in mind, Mr. McCleary? A. No.

By Mr. LOWE:

Q. I suppose your working rooms are all well lighted? A. We have to have good light anywhere. It is pattern work, you

know. In a pattern sometimes the colors are so very close it is absolutely necessary to have the very best light.

Q. Don't you think that it is also conducive to the prevention of accidents? A. No doubt of it, but we have accidents, as I said before, occurring, though really there was no excuse for them.

Q. Those will always occur.

By Commissioner WILLIAMS:

Q. What type of spinning machines do you use? A. We use in our worsted spinning, we use the spinning machine made by the Lowell machine shops, in ring spinning, also in fly spinning. We also have the mule spinning. Of course, three-fourths of our spinning is mule spinning.

Q. Did you ever know of a person being caught by the wheel of the mule spinner as it travels on the track in its outward run? A. I have known of people getting squeezed against the post.

Q. Did you ever know of a person having his toe caught by a wheel running on the track on the outward run of the wheel? A. No.

Q. Did you ever see that wheel guarded, the wheel that is on the track of the mule? A. No.

Q. It is compulsory in England to guard that wheel. They have a sort of a traveling shoe. It acts or operates very much like the cowcatcher on a locomotive, anything that happens to be in the way it won't crush but will push it out of the way. A. That could be very easily done by putting something under the gear or box where the spindles are, you know, but in our machines this large box, to a certain extent, where your spindles are operated, you have got to get under there to get at these cylinders.

Q. But the operators in the spinning-room are generally running around barefooted? A. Yes, in the same room.

Q. And cases have been known where their foot got in the way and they were pinched pretty badly? A. They might be.

By Commissioner WILLIAMS:

Q. I have one remark to make in answer to the gentleman from Syracuse. He said the department was inclined to be a little technical on certain sanitary requirements. We are technical because the law compels us to be. I— A. What I meant was that I thought if they would give a little closer inspection to safety devices rather than sanitary devices it would be a good thing. Because when they come to take our inspection by the fire insurance companies it is no comparison at all.

Q. There is not enough of it? A. If you can make your inspection more thorough as regards safety devices rather than putting so much time on sanitary matters it would be better for the prevention of accidents.

Q. In other words, you think that our inspection should be more minute so far as machinery is concerned. Obviously we are not in a position to give that sort of inspection because we have such a large field to cover with a force that is utterly inadequate. A. I think you should be given power, because if you are going to reduce the number of accidents it will come through the factory inspection.

Q. You think there ought to be more factory inspection? A. Enough to do the work properly.

THOMAS D. WATKINS.

I am a lawyer fortunately or unfortunately, and represent the Employers' Association of Utica. They did not have notice of this meeting. I have just found it out, and have tried to get them here, because I have become intensely interested, as I have listened to this investigation.

Q. You think they will be here this afternoon? A. I am not sure. First, I want to make one or two suggestions to Mr. Williams' questions: Whether or not a rule requiring the master to say that he had inspected such and such machinery and to certify to the same, whether or not that would be a feasible proposition to put into the form of law or ruled by the State Board. Now, of course, the law as it is to-day, and at the common law, puts that duty upon the master. He is required now not only to furnish proper machinery, but when he has once furnished it he is required to keep it so, and that involves an inspection.

Q. That common law does not become of any practical value unless it is an accident law. A. Oh, yes it does.

Q. What does a law whether it is statutory or common law, what effect does that have any way upon an employer unless it has a penalty? A. It simply means this, it is the result that follows from the violation of it, if an employer knows that he is liable for inspection, it follows as a matter of good business, if he has got common sense, he will inspect. But there is no inspection that can take care of inherent defects. That was suggested by Mr. Williams. Let us see where that way leads, if such a law was passed, which required an employer to certify that he had inspected

such and such machinery and found it safe, sound and proper, what good would it do? Would you follow that by saying that if an accident happened that the certificate that he had filed with the State board would be presumptive evidence that he had performed his duty? or wouldn't you?

Q. It would not be permissive, it would be a self-served declaration. A. In no case can any manufacturer certify to an inherent defect. He does not know whether it is there or whether it is not. I suppose the real point about Mr. Williams' question is that it would put affirmatively by a statutory regulation on the employer the duty of the inspection. Bring it to his mind more.

Q. Than this vague common law? A. Of course in large concerns it would not amount to much, because they do it now.

Q. The point is this, Mr. Watkins, it would be physically impossible for the State to inspect every tool in all the factories of the State, whether or not we can bring the employer into the performance of a part of that work. Of course it is not a matter of legislation at all. The State does not want to embark in an enterprise of paternalism. A. You want to keep the responsibility upon the employer and get his duty performed better. We will all agree that anything reasonable that will bring the prevention of accidents and the preservation of human life is, of course, of paramount importance, taking our situation as it is to-day. In other words in reference to the question in regard to guarding, it is a fact that many of these employees having guarded machinery, do remove the guards, and the accidents happen. And I want to call your attention to a situation arising; of course it follows if they continually remove the guards and they come into court, and they prove this guard has been removed from there six months the master knew it was removed. It is a matter of common practice. He knew it; he is liable just the same, although as a matter of fact he could not tell really, unless he discharged that fellow or stands right over him and compels him to keep the guard upon it. I simply mention that as bearing upon the question of what it might make a misdemeanor.

Q. It is now; any violation of the Labor Law is a misdemeanor.

By Commissioner WILLIAMS:

Q. It is specifically written: "No person shall remove guards from vats or pans while the same are in use unless for the

purpose of making repairs thereto, and all such guards shall be promptly replaced."

A. The difficulty in the enforcement of that provision arises from the fact that we are never in a position to prove the violation, and we can't go into court and allege the commission of a misdemeanor on information and belief. We must be able to prove a violation or we are thrown out of court. We must be able to prove in some way, either by evidence of one of our inspectors, who has seen it done by this individual, or the evidence of another person, a co-worker, who has seen him do it. I think dismissal is the best remedy for that. As I say, I can't give you much light on this main question.

Let me suggest that it might be well for the Commission to formulate a list of fifteen or twenty questions to send to these manufacturers, and each individual then may reply to them and so get the experience of all of them in this regard.

WILLIAM F. HARRIS.

By Assemblyman PHILLIPS:

Q. How many employees have you? A. About 450, mostly women.

Q. Is your plant a new one? A. It has been in operation about eight and one-half years.

Q. How is it in regard to belting and shafting? A. We have motor drive, group system.

Q. Have you investigated the cost of operating motor drive as against the line shafting? A. No, not thoroughly enough to pass any opinion upon it.

Q. Why did you adopt that system? A. One thing was this: We had no means at that time for using the existing system, as we did not have a dye house in connection with our mill. We started with electric motors, as it seemed to us about the easiest and best method of operating the plant.

Q. Of course it is safer? A. I could not say anything about that, as we have only used that one system.

Q. The fact that there are 2,000 accidents from shafting and belting indicates that? A. We have considerable shafting and belting.

Q. But not as much as though you did not use the motor drive? A. No.

Q. You have no accidents there? A. No accidents from belting or shafting since I have been there.

Q. Have you had any accidents of any kind? A. Not a large number of accidents. Not much in proportion to the size of our

plant. Most of them have been caused by the operatives putting work into the sewing machines. We know of no means of preventing this. It is probably caused by divided attention more than anything else.

Q. Ever have blood poisoning result?

A. A single case, but we always have endeavored to get the operative to go to the doctor, even in minor accidents.

Q. Is it caused by any dyeing material on the needle in your work? A. No.

Q. So that the needle there is no more dangerous than any other? A. The needle ought to be, by its continual operation, ought to be cleaner than almost any other thing.

Q. What other accidents do you have?

A. Accidents which I would say usually enter into it. For instance, the operative lever of a paper-cutting machine. The lever broke. We used that lever eight or ten years; a man broke it.

Q. A lever upon a paper-cutting machine? A. Yes. He fell over backward and injured his back. He took two weeks' rest and was able to come back to work again.

Q. Were the machines unusually close together? A. No, it was merely a case of something giving away. Since that I have put on a piece of pipe and I don't think it is liable to break again.

Q. What other accidents have you had?

A. Accidents to men getting their fingers jammed. Sometimes taking the large packing cases. Two or three accidents of that kind. The only accident we have had which might be an important one was a girl got her hand run into a mangle. That mangle had caused that trouble before. The first accident was not a serious one. But since that happened we have put an effective guard on the machine; put a house over it on the theory that it was impossible to get the hands into it. After the accident we found that the roll was loosened. The foreman insisted that as far as he knew that the machine was in good order. I don't know anything further than that.

Q. Do other knitting places have similar machines? A. They may. Since that time we have sold all that type of machine.

Q. And you have a different type of machine? A. Yes.

Q. The thing that occurred to me was that if the Labor Department was furnished with sufficient help would it be a good scheme if you start after an accident and put on a guard to prevent that you could notify the Labor Department so that they could notify all other users of a simi-

lar machine? A. That is generally considered up to the inspector. He has a record of the accidents occurring since his last visit, and we go over it with the agent and explain how it happened.

Q. But of course he does not come into contact with all the people in the State who have similar machines. A. Whether or not the Labor Department could have a bulletin that would scatter the experience of the individual manufacturers throughout the State, any method of doing that would lessen the number of accidents one-half. While sitting here the impression I got was that we need education. No one of us knows always how to prevent an accident until the accident comes. We know how to prevent a repetition. It is a matter of education.

Q. Do you have any regular system of periodical instruction to your foreman or your help? A. No.

Q. Don't you think it would be a good idea? A. It is a question of what we could tell them, if we did have the chance.

Q. Could not impress upon the foreman the importance of the strict enforcement of the rules and regulations. Could you not impress them with the importance of it? A. Yes, that is true.

Q. This investigation has brought out the fact that some institutions have a very complete system of that kind, from which they think they get quite a benefit. For instance one industrial plant every Friday morning has a certain hour at which a certain amount of time is devoted to the discussion of the matter of safety. A. I think there could be benefit in that. But in our case it would be a question of plainly lighting the plant that we own. We should know more about that than we do.

Q. The foreman of the different departments, exchanging ideas, and criticising other departments? A. We try to get along without having any complaints.

Mr. LOWE:

Q. Some method of that kind, it seems to me, would be justified in every industrial establishment where a large number of help are employed. They can have meetings at such times as would be practicable to talk over the causes and prevention of accidents generally, and suggest remedies. In other words sort of educate them, school them, get the subject upon their minds. A. I think it would be a very good thing.

Mr. McCLEARY.—I would say in regard to that that in our factory that we have

different mills. We have for instance our Axminster mills. We have our tapestry mills, our spinning department. We have a meeting every week of these foremen in that department, and all these things are discussed over in regard to the work, and it is more to create harmony amongst the men so that we do all our work for the benefit of the institution; but everything of that nature is brought up and talked over once a week. For instance our Axminster men will meet in the office on Wednesday morning, our tapestry men on Thursday, and so on. I think we have found that it has been a very good scheme.

Mr. LOWE (Mr. Harris, continuing).—We have meetings of that nature, but it is more to take care of production. Production is more on our minds than safety.

Mr. MORTON.—I think that is a very good idea. It would seem to me that if the department could get together and get some information on this subject, and send it to the manufacturers, something which would show the most up-to-date practice, I believe that all manufacturers are really interested in the preventing of accidents.

By Mr. LOWE:

Q. It is not only a humane interest, but it is a personal. A. Oh, yes.

Mr. SMITH.—Commissioner Williams, do they allow you money enough?

Commissioner WILLIAMS.—You mean to prepare a pamphlet published and distributed, suggesting safeguards? I think not. We have just had a demand now for a reduction in our estimate of 10 per cent. from what was appropriated last year.

A WITNESS.—Mr. President, we only just happen to stumble across things of that kind.

By Assemblyman PHILLIPS:

Q. But what would you think of the establishment at central points of a museum of safety, exhibit of safety devices? A. I think that would have a lot of value, except this, that the manufactures are so diversified and I fear that some of us are so slightly technically educated that we probably could not quite get the application of the principle of safety of one type of machine, and apply it to another, whereas the thing might be easily applicable.

Q. Of course, as time goes on, and with the inspiration that is being given to the idea of accident prevention there is going to be lots of investigations. A. The true ends of most of them are experimental, however.

Q. There should be some common ground to get together on, and see all that there is in use, and make a selection of what is supposed to be the best and most serviceable and effective.

By Commissioner WILLIAMS:

Q. Do you do much spinning? A. No; we do no spinning whatever.

Q. The question has been raised as to the inspection of the machines and certifying of them? A. That would seem to be feasible if the machines were all large machines, which could be done with economical expenditure of time, but in our plant which has probably one machine for almost every operator, to make a genuine inspection of each machine would require a large number of hands, which would keep a large number of those machines out of operation practically continuously. Our method is at the present time: if a machine runs there is nothing apparently the matter with it. It is all right.

Q. How many employees have you? A. About 450 when we are running full.

By Commissioner WILLIAMS:

Q. The element of danger in the sewing machine is relatively small? A. True, but the number of accidents is relatively large.

Q. What are the nature of the accidents? A. Needle puncturing the women's fingers.

Q. I quite agree with you that it is rather difficult to prevent such accidents. A. She is probably talking to another girl when the accident occurs.

Q. But such accidents are not due to any defects in the machine? A. That is true.

Q. So that the inspection of the sewing machines for the purpose of determining its safety, its soundness, would not take much time, nor do I consider that it would require a very great degree of skill. A. That is possibly so. But we have, on the other hand, a large number of knitting machines on which a person could be easily injured, and which you cannot in a practical way, you cannot guard. For instance, a man may get his head knocked with a binder on a machine. It is almost impossible to prevent a thing of that kind. You can't tell. The thing may be perfect in the morning, and the screw get loose during the day. The high rapid revolution of the machine may cause such a thing. The machine being in good order so far as I know, none of the parts being broken.

Q. This idea was suggested to me in a plant in England this last summer, where

they had stamping machines in use in that particular plant. And each machine was actually inspected every day, and a record made of the inspection and of the time that it was made, on a card which was attached to machine, which card covered a week's time.

AFTERNOON SESSION.

PETER FALVO. (Representing the hod carriers and brick building laborers).

By Assemblyman PHILLIPS:

Q. You have something in particular that you want to speak about? A. Not very particular. I should think on this accident question, I think there is a section providing for such a thing, but it has not been enforced.

Q. What is that? A. Part of it where the man has been hurt on the construction of a building on the contractor. It has been reported to the department, and they have not paid much attention.

Q. What was the cause of the accident? A. One member got hurt by a piece of elevator that broke, and one of our members got under it. We thought he was not there. The elevator broke and he fell down through the opening. The elevator fell down where he was working underneath. The contractors, they insured all the laborers, and they were not liable for it. The insurance companies might wait a year or two to give an answer. They send a claim agent. Some way or another he comes too late. The other laborers have been hurt on the building. A corporation don't pay much attention to it.

Q. They have been slow in paying for the accident? A. We put one case in the hands of the lawyer. This poor laborer can't go any further; he has a family of five or six. He has to settle with this company. This thing happened last August, and last December he came to me and wanted to know what had become of it. Our lawyer went down to the lawyer of the company, and he said, we will see to it. The question was delayed, the poor laborer had to settle, because there was nothing with which he could go ahead. Some other accidents have happened right along.

Q. Of course, the men in some of these cases, they have a lawyer? A. Yes, I know of one case, I don't know whether I am right or not; the ex-mayor has got this case on his hands: A man got hurt

and the contractor was willing to settle, but he must wait until the insurance company settles.

Q. You think if he did not have the insurance he would settle quicker? A. Some kind of point.

Q. Have you anything to say as to how these accidents could be prevented? A. I should think we could prevent by following this section of the law.

Q. Your trouble comes from the defect in the elevator, or the scale, or the material following? A. I know the laborer has called the attention of the contractor to those things.

Q. And the laborer has been discharged? A. Yes. Because he called the attention of the contractor as to how a scaffold should be.

Q. You know where laborers have been discharged because they told the contractor that this scaffold is not a good one? A. Yes, many times.

Q. What kind of foremen do they have in that work? A. Sometimes the foreman might not be to blame. Must follow the orders given to him. Many times the bosses act a little sassy, and tries to save money for the company.

Q. What nationality are your foremen, generally? A. Many times you will find them all nationalities on a job.

Q. Most of your laborers are Italians? A. Yes.

Q. Are they able to understand the foremen? A. Yes, a good many of them.

Q. Can you understand what he says when he gives them an order, able to talk with him? A. Yes.

Q. Do you work at your trade or do you put in all your time for the union. A. At present I am business agent.

Q. And that takes all your time? A. Yes.

Q. Do you think the foremen are careful? A. Some are, some are not.

By Mr. LOWE:

Q. Do they generally keep sufficient scaffolding underneath the workmen who are building high buildings for the protection, to keep the lower floors scaffolded over to protect the workmen if they should fall? A. Such large buildings they will.

By Assemblyman PHILLIPS:

Q. Do you know of any time that the workmen have told the foremen that a board is not a good one; that he has got to get a new one? A. Sometimes he will. But you have got to do the best you can with what you have.

Q. They will say that to them sometimes? A. Yes.

Q. Sometimes discharge men for complaining? A. Yes.

Q. Find an excuse some way or another for laying them off? A. Yes.

Q. The fellow that does not say anything gets along the best? A. I guess so.

Q. How many members are there in your union? A. Over 350.

By Mr. LOWE:

Q. Are those things ever talked over in the sessions of your union; requests made by your representatives of certain contractors, and men who allow these conditions to exist, do they call their attention to it by the force of your union and ask them to have them remedied? A. Try to do the best we can. They let our members go and hire some other men.

Q. Some laborers that don't belong to your organization? A. Yes. A man was hurt in the leg by a stone, and I went to the contractor to see about it for the man, and the answer I got, he said, "I will see about it. The superintendent says I have not time to bother with it." When I went for the laborer, for four weeks there has been a laugh. He has to go without anything to get even a pleasant look. I don't think that is fair.

Q. When your men work for a contractor does he have their names? A. Yes.

Q. Is the name of each man put on his pay envelope, or his number? A. The number; some corporations put both name and number on the envelope.

Q. But you think that if one of your laborers is hurt the contractor does not pay as much attention to it as though some of the mechanics were hurt? A. They treat all alike. I know a mason got hurt last fall and his case is before a lawyer. A man should not wait five or six months to get a few dollars.

A. C. BIRCH (Mohawk Valley Cap Factory).

Q. How many employees have you? A. about 850.

Q. Was there a time a few years ago when you had a good many accidents? A. Yes, in the year ending March 1, 1910.

Q. What did you do, if anything, to try and prevent future accidents after your experience in that year? A. It was taken up by our treasurer, Mr. McLauchlin, with the overseer of each department, and the responsibility put on the heads of these de-

partments; we call them overseers. They were instructed, as they had been before, to report all accidents, and also upon going through their departments any time any piece of machinery ineffectively guarded was found, to see that the guard was made as effective as it possibly could be. The result has been that throwing the responsibility on these men, I think our accidents for the year ending day after to-morrow will show just about half of those in the preceding year. In the preceding year we had one serious accident.

Q. What was that? A. That was a girl burning her hand in the mangle. It was not — the machine was guarded according to law, but she was an Italian and talking with another girl working on the same mangle. Her body was really at right angles to the machine.

Q. She was standing sideways? A. She was standing sideways, and instead of running her hand along the approach table, she had the garment in her hand, she reached right over the guard and got her hand against the hot iron; the back of her hand was burned. That was the most serious accident we had. There was no lawsuit.

Q. Was there no way in which the guard could have been made more effective? A. Yes, there is; we made it so. We put that guard so high that she had to have abnormally long arms to get over it, and that was done.

Q. Do any other manufacturers use similar mangles? A. Yes.

Q. Assuming that it was practical and that it is furnished a sufficient appropriation to provide such a bureau, would it be a help that you report that guard to the Labor Department, and they report it to users of similar machines, thus spreading the benefit of your experience to other employers? A. Yes.

Q. What other accidents did you have that year? A. They were also the minor accidents. A number of the minor accidents is due to the fact that we report everything; that is to protect ourselves.

Q. You think that after you called your foremen in a year ago and placed the responsibility for accidents upon them, they gave better attention to it? A. I do.

Q. They had been giving less attention before that than they ought to have given? A. I think in this way: they had gotten the feeling that the insurance company has to pay any way, which is absolutely wrong, you know, and then if any accident happened it happened; that was all there was to it.

Q. They were interested in producing goods and turning out their work, gave more attention to that than to the safety? A. Yes.

Q. Do you think now they are giving as much attention to the safety end as to the productive end of the work? A. I think that, in as much as a very strong criticism is placed upon the men, if by negligence upon their part an accident happens.

Q. You think one way to reach it is through foremen; make them realize their position? A. Yes. To make them realize that they are responsible for the good conduct of their department, not alone the manufacture of the goods, but in the safe operation.

Q. As a result of that you have guarded more machines last year than before? A. We have. I will say this much, that all our accidents in the last year have been very minor, and they have been due to a great extent to the fact that the employees have been careless in most cases.

Q. Do you think that the increased activity on the part of the foremen in preventing accidents has excited a similar activity on the part of the men working under him—men and women? A. To make them more careful?

Q. Yes. If they see he has in mind accidents in watching out for them that is apt to prevent them from having accidents? A. Not entirely.

By Mr. LOWE:

Q. Do you have any instruments where the guards are moved by the help? A. We have had one in the last month. An operator was cleaning the speeder, contrary to orders, when the machine was in motion. She had lifted the governor of the gear, everything was being done contrary to orders, and she knew it was contrary to orders.

By Assemblyman PHILLIPS:

Q. Why did she clean it while in motion? A. She is allowed a certain time for cleaning. It was on Saturday and she was doing it a little bit ahead of time in order to get out early. Her machine had to be in perfect condition before she left. She had from twenty after eleven to twelve o'clock to clean it.

Q. She is given forty minutes to clean, from twenty minutes after eleven? A. Yes. We got a letter from Albany in that case, asking us to fix the guardholder so it could not be removed, but we wrote back that in such a case it was almost impossible

to do it. The guard is efficient, there is no question about it.

Q. But you cannot fix it so it cannot be removed? A. No.

Q. Does any of your machines come to you permanently guarded by the manufacturer? A. Yes.

Q. Not all of it? A. No.

Q. All of it that might be guarded by the manufacturer comes that way? A. No.

Q. Why does some of it come guarded; do you specify guarding it? A. Imported machinery comes guarded and some American.

Q. Several people have testified to that fact, that their imported machinery complies with the laws and customs of the country it comes from, and is better guarded than the machinery made in this country. Some manufacturers of machinery have stated they have acquired the habit of guarding machinery more here, simply because they have been required to guard it for export trade.

By Mr. LOWE:

Q. I suppose at the present time in the purchase of machinery that is one of the things you look into to see if it is properly guarded by the manufacturer? A. Yes, we try to.

Q. Do you specify that; you don't specify that in your order? A. No.

Q. But you generally investigate? A. It is investigated to a certain extent, but when it comes to us and it is not in that condition, we put it in that shape.

By Commissioner WILLIAMS:

Q. Isn't it true that some of the machinery manufacturers place their products on the market improperly guarded in the matter of gears; for instance, they will cover the machine half way around, leaving certain parts exposed, so that if a finger is caught in the machine, it is just as apt to be mashed against the end of the cover, and perhaps almost as seriously injured as though it is caught in the bight? A. That is true.

Q. You handle cotton from the bolt, don't you? A. Yes, sir.

Q. You have a large number of carding machines? A. Yes, sir.

Q. Have you ever known of an accident to a carder by reason of opening the gate—I don't know whether I am using the proper terms or not, but you will understand what I mean—so as to get at the mechanism inside of the cylinder, that large

cylindrical part? A. I don't remember having to report an accident of that nature at all.

Q. Have you ever known of an accident to happen in that way? A. I should think it would be possible, but I really don't know anything outside of our own mill.

Q. Have you ever seen a card so constructed that the door or gate could not be opened while the machine was in motion? A. I am not sufficiently versed to answer it. My department is a little outside of it.

Q. You also have in your plant a box-making department? A. Yes.

Q. And you report quite a large number of accidents? A. No, sir; not now.

Q. Are your corner-setting machines all guarded? A. Yes, sir.

Q. You consider that the corner-setting machine is one that should be guarded, don't you? A. Yes, sir.

Q. Very easy to be injured upon it unless it is guarded? A. Yes.

Q. By being pinched? A. Yes. I will say this much, that with an experienced operator the chances are very slight. On account of his experience the chances are not great of his being injured, but the machine itself is such that the chances are to the ordinary operator possible.

Q. What do you regard as the most dangerous machine in use in parts of the plant with which you are familiar? A. That is perhaps a difficult question.

Q. It is? A. Until we had those setting machines guarded we had more accidents on them than any other.

Q. You have some hydraulic extractors? A. I don't know anything about those.

Q. Do you know whether your extractors are guarded or not, so that a person cannot pass under or around the kettle while it is in motion, or in the basket? A. I can't answer that positively. I think they are.

Q. Have you ever had an accident on one of those machines? A. Not in the last five years.

J. K. GUNN (Utica Pipe Foundry).

By Assemblyman PHILLIPS:

Q. What is the nature of your work? A. Iron work; cast iron and water-pipe.

Q. How many employees have you? A. When full, about 700.

Q. Is most of your work foundry work? A. Yes.

Q. Have any machine work? A. Some machine work.

Q. How many machines do you operate —

By Commissioner WILLIAMS:

Q. Whether by belt or motor? A. We have a great deal of motor drive and some belt drive.

Q. How many of them? A. Possibly a hundred machines.

Q. What kind of machines are they? A. Some for tapping, also planers, machine tools for machine iron and building machines.

Q. Have you had many accidents the last year or two? A. We have had quite a number.

Q. What is the nature of the accidents? A. Vary considerably from having fingers bruised or injured, something falling or being burned.

Q. In what way do they get their limbs injured? A. In various ways some heavy material falling upon them, something of that kind.

Q. Can they be guarded against? A. Possibly in some cases.

Q. What does the material fall from? A. From various places; falling from the top of a piece of pig iron; cranes spring and something drops off.

Q. Not always as careful as they ought to be in piling their pig iron? A. No, not always.

Q. Do your foremen watch them? A. Very carefully.

By Commissioner WILLIAMS:

Q. Don't those accidents happen mostly when they are drawing the pig iron from the piles rather than in the piling? A. That is not really so.

Q. How do the accidents happen? A. In one of our shops where we handle the molds, in Number One shop, an accident happened from the brake slipping off from one of the cranes and letting the mold down on top of a man.

Q. Was that due to a defect in the guard? A. We were not able to find out.

Q. You think the brake had been loosened? A. We think that somebody knocked it off, but we weren't able to find out who did it.

Q. What other accidents do you recall? A. Have had accidents where a man was working around tumblers and got his arm in a gear.

Q. Was the gearing protected? A. It was not protected when he fell on the gear.

Q. Did he take the guard off? A. I don't know.

Q. You think that he did? A. It was taken off, some said, by him; others said by others. Question of veracity.

Q. Did you ever ask him why he worked on it if the guard was off? A. Not especially.

Q. You don't know whether he ever gave a reason for working there without a guard? A. His reason was that somebody else had taken it off.

Q. Can these guards be put on permanently so that they can't be removed? A. In repairing them we must take them off.

Q. Do you know of any reason for taking the guard off? Assuming that he did take it off, could he work any better without the guard, or would it interfere with his work in any way? A. In this case the other, claim they got close, and he pulled it out of the way instead of having it fastened.

Q. Was he working at piece work? A. No, day work.

Q. Do you have any trouble with any other men taking guards off? A. No.

Q. Do you ever take the matter up with your foremen and instruct them with regard to preventing accidents? A. Yes.

Q. Do any of your machines come guarded by the manufacturer? A. In the last few years there has been more attention paid to the guarding of gears by the manufacturers. All those things are improved by experience, but they all forget in the use of them and the accidents happen.

Q. Do you recall any other accidents in your machine work? A. Not particularly.

Q. How about your foundry; what accidents do you have there? A. Men occasionally get burned; get their fingers pinched; accidents of such kinds.

Q. Do you have any trouble from the gangways being narrow or material or debris in the way? A. We try to keep that open as much as possible in the general foundry work where the casts are turned out all at one time in the late afternoon; of course the gangways sometimes get blocked up. At all times they are supposed to keep these open, so the men have perfect freedom.

Q. Any rules or regulations in keeping the gangways open? A. Gangways must be kept clear.

Q. Do you have any accidents from inside of the kettle or flask burning out, or the ladle? A. We often have men burned, especially those using the small kettles; they splash over and burn their feet.

Q. What kind of shoes do they wear? A. One of the hardest things is to get them to wear the proper kind of shoes.

Q. What ought they to wear? A. Congress shoes, as large as possible.

Q. That they can get off easily? A. Yes.

Q. Do you have any trouble in getting them to wear those? A. The men themselves are very careless about their dress.

Q. Do you have any trouble from the ladle burning out?

By Commissioner WILLIAMS:

Q. We have been informed in other places that the lining of the ladle sometimes either improperly put on or carelessly dried, that when the molten metal is put in the ladle it burns out the lining of the ladle itself, and the bottom drops out as soon as the lining is burnt through and the molten iron comes into contact with it; do you have any accidents of this sort? A. Some. The most of the accidents is from the sloping over of the metal.

Q. Spilling the molten metal? A. Yes.

Q. Accidents of that nature are in the class of what we sometimes call unavoidable, don't you think so? A. I don't see how we can avoid them, because there is no way we could prevent or guard against them.

By Mr. LOWE:

Q. Do you have printed rules and regulations posted? A. No.

Q. Don't you think it would be a good idea to have them? A. We have a good deal of help, Italian and Pole, who would not be able to read the instructions.

Q. Some of the foundries and factories, they have these rules and regulations printed in different languages, possibly that might be a good policy, don't you think so? A. Well, if they can be punched up. Unless the printed rules and regulations are called to the attention of the men they don't pay much attention to them.

By Commissioner WILLIAMS:

Q. What would you think of amending the law so as to require the owner of machine tools to periodically inspect all such tools in order to test their soundness, requiring also that the certificate covering such periodic inspection be filed in the office of the Labor Department? A. Inspecting all machine tools?

Q. Yes. A. I would not care to answer that offhand. I am afraid it would be a hardship on some of them.

Q. Under the present law the owners and users of boilers for factory purposes are to have them inspected once every six months, and the report covering such inspection must be filed in our office in Albany. My idea is that possibly it might

be of some advantage to extend that provision so as to cover all machine tools? A. I did not know that there was very many accidents happening on regular standard building machine tools; as I understand machine tools, the term refers to machine shops, and such as that.

Q. Would you consider it advisable to give authority to the Department of Labor to prescribe certain rules and regulations applicable to manufacturing establishments, such rules to have the force and effect of law? A. I supposed the Labor Department had that power now, of suggestion to remedy a crane, for instance.

Q. I don't mean the power to suggest. The power to suggest is probably unlimited. I mean the power to prescribe and to enforce? A. You could do a great deal of good, and you could do a great deal of harm.

Q. It would depend, I suppose, upon the quality of the judgment exercised by the person prescribing the rules? A. Most decidedly.

Q. Assuming that the head of the department is a man of good judgment, what would you think of such power? A. All right.

Q. Would you not think that it would be advisable to clothe him with power to prescribe rules affecting the conduct of employees as well, while in the plant? A. I should think that should be proper as well as the employer. The employer does not want accidents unduly. Very glad to have pointed out the way to avoid them.

Q. In the matter of dress, clothing, shoes, etc., power to prescribe definite rules, and employees must conform to those regulations. We are anxious to find out if in the judgment of the employers such power should be given to the State. A. It certainly could prevent a great many accidents, if you could only control that part.

Q. Have you any milling machines? A. We only have several small ones. Not to any considerable extent. You mean milling machines for milling iron?

Q. Yes. A. No.

Q. You have planes and lathes? A. Yes.

Q. You believe that all gears with which it is possible for the operative to come into contact should be perfectly guarded? A. I do.

Q. Do you believe that the mesh of the gear should be covered completely; I mean, you should circle the wheel with your guard, wherever it is possible? A. Sometimes it is not practical to do it. Nor is it necessary if the gear is placed so as to make it impossible to come into contact with it.

B. H. DEVINE (Devine Brothers, Utica, N. Y.)

By Assemblyman PHILLIPS:

Q. What do you manufacture? A. Our business is manufacturing polish and buffing wheels, metal finish materials.

Q. How many employees have you? A. About 110.

Q. In sending out your polish wheels, are they stamped with the revolutions they will stand per minute? A. No, sir.

Q. What kind of wheel do you manufacture? A. General lines, all kinds of polishing wheels, and buffing wheels.

Q. Are they solid wheels? A. Not solid emery wheels, wheels of cotton cloth, on which emery is used for the final finish on metals, the process being similar to the Putz Pomade process in the home. These cloth wheels are made of disks of cotton cloths, and it is the speed in combination with the silver polish or abrasive material which is used for polishing all metals from gold down to copper. The polishing wheels used with the emery glued to the surface do go to pieces.

Q. You manufacture some of them? A. Largest manufacturers of those goods in the United States.

Q. Are those tested as to the speed? A. No, sir.

Q. Is there any reason for testing them? A. There is not, but the user is supposed to do his own testing, and suit the wheel to his own conditions.

Q. What will cause them to go to pieces, excessive speed; is that the only thing? A. Excessive speed is the ultimate reason. The primary reason is the carelessness and ignorance of the handlers.

Q. They are protected of course? A. Yes, sir.

Q. Absolutely protected? A. Approximate.

Q. You manufacture the guards? A. No, sir. We don't manufacture the machines on which the wheels are used. That goes with the machine. In this country it is a customary practice to protect those, and it is getting to be more and more the practice to protect them substantially. The previous protection has been usually galvanized iron made part of the dust removing element. There have been bad accidents quite common in the metal factories from lack of protection.

Q. Do you know whether the manufacturer of the machines do, as a rule, manufacture the guard for the wheel and sell it with the machine? A. As a rule in modern practice. But there are many old-time machines in use without the guard.

Q. If a man, ordering a machine, were to specify the guard, will he receive a guard? A. Ordinarily, no. For the reason that it is a class of business or a department of a factory that receives less attention than any other part of a factory, it is the dirtiest room in the plant; most of the time in an out of the way place. The class of men operating them are of the lowest grade of mechanics, in general.

Q. Operating these particular machines? A. Yes. It is getting so that the imported labor does most of that work.

Q. Regular polishers? A. Regular polisher. But the growth of polishing has been so great that the American mechanic has succeeded to the higher grade of work.

By Commissioner WILLIAMS:

Q. We should ask Mr. Devine for his modern and efficient guard? He has told us what the poor and inefficient guard was. A. It should be a heavy cast-iron protector in any form that is convenient.

By Assemblyman PHILLIPS:

Q. On the sides of the wheel? A. On the sides, not the top, and depending upon the direction of rotation, either upon the top or bottom. Some wheels, they work from the top, traveling away from the operator, so if it bursts upon the under side, it will come to him from there, and vice versa.

Q. You guard it so as to protect the direction in which the parts would go? A. Yes.

By Commissioner WILLIAMS:

Q. How heavy a guard will furnish effective protection? A. Anything that can be made in castiron, sheet metal guards as a rule are inefficient.

Q. Of course, the force of the fractured part of the wheel is strong enough either to break or dent it? A. Not to any great extent. Then again the sheet metal guard is liable to the arrangement of being crushed or bent out of place, if it can be opened, as some of them can. The joints get out of order, and out of shape, and they are very poor contrivances, and rather dangerous to work with. The principal cause of accidents in the polishing rooms are poor handling of the polishing wheels and improper understanding on the part of the polishers, of the force, and stress and speed of the wheel.

Q. There are several men killed every year in this State from exploding wheels? A. One of the most prolific sources of accidents in the factory.

Q. And apt to be serious when it occurs? A. Yes.

Q. Of what material are those wheels, described as dangerous, made? A. The old-fashioned polishing wheel was made of layers of wood glued together or laminated over with an iron centre, with a strip of leather around the edge, to give it a cushion or polish surface, and the difficulty with this is that the emery and glue are removed by the water, etc. Then they are dried on steam pipes or something of that kind, and the wood contracts and expands, the glue weakens, and the glue that holds the leather strip on weakens, and the result is, when a piece of work is put into contact with the water the strip will be torn off.

Q. Do you make any wheels now of leather entirely? A. Yes, entirely; also of solid felt with ragged buffing sections, or soft disks; also a great number of patented wheels with steel centres in which the polishing material is stood on edge. No polishing wheel is proof against rupturing.

By Assemblyman PHILLIPS:

Q. You think that manufacturers are less apt to look after the safety of the men if they are foreigners, and willing to put up with poorer conditions than other fellows? A. It is rather a deep question. There is the antagonism of the races.

By Commissioner WILLIAMS:

Q. An affirmative answer would be a serious indictment to the manufacturers, too. Don't you also manufacture water motors? A. That is a very small proposition, Mr. Williams, hardly worth touching upon.

Q. Have you any machinery that you use in connection with that? A. The water motors are simply lathes and drill presses. Very small proposition. Although we are better known as water motor manufacturers than the other business.

Q. I assume that your gears on all your machinery are thoroughly protected. A. We have only such gears as are attached by the makers to the lathes, drill presses, etc. Majority of them are covered. Most of our machinery is modern machinery, purchased within a few years, and is in good shape. The accidents we have had in our factory have been entirely minor injuries, injured finger or a bruised arm. In no case has the person been injured or laid up more than two or three weeks.

Q. What, may I ask— You heard the question asked of several here, regarding the placing of the obligation by law

upon the owner of machinery or the owners of machinery to inspect periodically and to certify as to such inspection. A. I should consider that physically impossible from a mechanical standpoint.

Q. Why? For the reason that a man cannot tell the condition of a piece of machinery? A. Now, the manufacturers are aware that if a piece of shafting ruptures it usually starts from a small matter, and keeps rupturing, but it can't be determined absolutely until it finally ruptures, and to ask a man to take his oath and make an affidavit that a body of metal is in perfect condition from a superficial examination, appeals to me as putting him where he has got to commit perjury.

Q. Granted that, on the other hand, is it not the same thing with reference to the inspection of boilers? A. No, sir, because the strains on a boiler are determinable.

Q. Well, wait a moment. Taking the case of a boiler that is made without seam; is it not possible for a fracture to be in that lap, and so situated that he cannot see it? A. It is possible, but not probable.

Q. Isn't it just as possible as that there shall be in a piece of mechanism an inherent defect? A. From my experience I should say it was, Mr. Williams. We see so many things before our eyes like the crystallization of a piece of metal taking place continually, for the vibration eventually leads to rupture, and no living man can determine it. When it does go it will make an accident in the factory.

Q. My idea is this— A. I think your idea is good, but not practical.

Q. My idea is this; let me explain it. That law—such inspection would not and could not be said to result in a bank's guarantee. It will place upon the owner the obligations of examining and determining so far as may be humanly possible the safety of these machine tools, and if that be so, is not that a result to be desired? A. I would agree with yourself and the Commission that every possible means should be taken to prevent accidents, but the bald statement on the face of it, that a manufacturer should be required to make an affidavit that a machine is in proper condition I don't think is humanly possible.

Q. I had no idea of requiring such an affidavit. My idea was that he should be required to examine, to inspect and to certify that he had done that, and that so far as could be determined by such examination the tool was sound and in proper working condition. That is all that can be expected? A. I think that such an examination would be a good thing, and have

thought of it a good deal since you spoke of it this morning, but I agree with Mr. Calder that the examination should be one of our field Board of Engineers. Oftentimes the manufacturer himself is not a practical machinery man. He may be making shirtwaists or skirts, and he knows nothing of the stresses and strains on machinery, which an engineer trained and judging from the general condition of a machine is thoroughly conversant with.

By Assemblyman PHILLIPS:

Q. I think you agree with me that the inspection ought to be made and then the question is, is the State justified in going to the expense of inspecting every machine in the State, which, of course, would take a great force of men, or will the employer do part of that inspection of machines in his plant, and in that way lighten the burden to the State, or ought it to be done by the State even though the expense is very large? Is not that the idea, Mr. Williams? A. I consider that an inspection by the State is utterly out of the question.

Q. Assuming that it ought to be done, it ought to be done by the State or the employer, it has got to be done by one or the other? A. It is to the employer's interest to keep his machine in first-class shape, and the man that won't do that could not be compelled to by law. Because that is a matter of financial gain to a manufacturer.

Q. I don't quite agree with you that he could not be made to do it, because we now compel them to have their boilers inspected, whether they want to or not? A. That is usually done, I believe, as was said by the insurance people.

Q. You want to bear in mind, Mr. Devine, that there are great numbers who do not insure their boilers; therefore, the inspection in those cases must be undertaken by the employer or by some person whom he engages to do the work for him. I would agree with you, Mr. Williams, that so far as the boiler or the vessels under pressure are concerned that it is feasible and absolutely necessary, and the employer can determine or cause to be determined the relative condition of a boiler, but when you come to a thing like a piece of shafting, it might twist in two or the frame of a machine which might be gradually disintegrated by the belt pull or the vibration on it. That I don't think it is possible to determine by any possible means.

Q. The pressure of a law requiring inspection it seems to me would work for safer conditions in manufacturing establishments? A. That is possibly true.

Q. That is the only thing I have in my mind. To have a provision in the law saying to the owner of the machine tool, you must inspect this tool so often, and you must certify that you have done so. A. So far I grant you it is good.

Q. Mr. Devine, with regard to emery wheels and their speed; I think it was Mr. Flinn representing the New York Metal Polishers, testified to the Commission, stating that the men sometimes ran emery wheels at an unnecessarily high speed, that after a wheel attains a certain speed it glosses, and increasing that speed won't increase its efficiency. Is that true? A. That is true. The metal powder, you might say, or the granulated metal box embedded in the face of the emery wheel may get smooth so it won't cut. Most wheels become unbalanced. Then the workman in order to make it cut is liable to force his work into the wheel with the result that the work becomes jammed between the rest — most of the machines are equipped with a rest — and the wheel. The explosion of the wheel results. I will say further that from a pretty thorough experience in the handling of thousands of plants in this country and in Europe, I believe the general conditions surrounding their polishing rooms are susceptible to improvement, and the ventilation is one of the important things in drawing the dust away. The average polisher becomes affected sooner or later as a painter is liable to be, and works under very poor conditions. And if he gets tired or sick he is more liable to have an accident than when he is in good condition.

Q. What kind of machinery do you use in your work? A. We have a relatively small amount of machinery, mostly die cutting presses, with sharp edge; these presses are all stationary; and movable platens for cutting out circles of cloth.

Q. Is there anything in your experience with accidents that will help us? A. Very little. The causes of every accident in our plant has been the fact that we employ so-called unskilled labor, and we have a mixed congregation of men and women, and the usual fooling between the men and women has resulted in the accident in almost every case. It would draw itself down to personal carelessness. We have guarded everything in our shops. We use the electric transmission entirely.

Q. So that you have no trouble with belting? A. Very little belting.

Q. If the Department of Labor were to send out circulars advising the men with regard to the handling of wheels would the

employer of these men object to that? A. No, sir, he would welcome it.

Q. It would not be apt to conflict with anything that the employer had told them to do. A. As a rule the employer seldom goes into the polishing room.

Q. He has a foreman in there? A. Yes.

Q. And I suppose the foremen get feeling the same way? A. He gets accustomed to it as a man does running a boiler. I will say this, that the average polishing foreman is not a mechanic in the sense that he understands stresses and strains upon wheels.

Q. With regard to the polishing, I have noticed some polishing rooms in which the metal material, or whatever it is to be polished is placed on a knob and travels on a circular platform and comes into contact with the polisher as it goes around, and when it goes around is all polished? A. That work is merely tending the machines, that is all.

Q. And in the high-class work — some polishing requires skill? A. Yes.

Q. What you said with regard to polishers would not apply to that class of men? A. No, although they may not be conversant with the mechanism they are using. An average polishing wheel has a stress or strain on the face of the wheel of from three hundred to six hundred, to seven hundred pounds per square inch.

Q. I suppose the polisher learns his trade in the polishing room? A. As a rule.

Q. And no one instructs him with regard to the nature of the work? A. Seldom touched on. My experience has been that the factory managers have a relatively small idea of the elements and conditions in the polishing rooms on account of their being such generally untidy places. I have been in some rooms where they seemed clean and well ventilated. I suppose there is a difficulty in that respect. There is a recent movement on foot to install better machines in the last few years, and to take it out of basements. The condition of that department is very much better in America than in Europe, where they have no dusting systems, no preventive for accidents, ventilation is unthought of, and women are largely employed.

By Commissioner WILLIAMS:

Q. When you are speaking of uncleanness in the polishing shop, that condition has not got very much to do with the subject of accidents. It is a question of factory hygiene? A. Still in the sanitary department it does come in in this way, that the dust which is natural from the disinte-

gration of the metal and glass usually covers up the windows and the machines and hides defects. The light is poor; a man won't determine that his machines are in such good condition as in better lighted places.

Q. Of course you have already made reference to the fact that conditions are improving; I have seen polishing shops in this State where the men were at work wearing light colored shirts and collars and without a speck of dirt upon them? A. But in such places they have almost perfect exhaust systems for the removal of the dust and the dirt.

Q. But I was going to ask you if you had ever heard of the fires occurring in such rooms caused by sparks generated by the friction dropping into the exhaust system and igniting the greasy substances deposited in the pipes? A. I have.

Q. There, of course, is a remedy for that sort of a condition? A. Such things do not happen if the systems are properly constructed. You should draw the accumulated dirt outside the building into some brick or metal receptacles.

Q. But there is a certain quantity, however, of this heavy dirt that settles at certain points in the pipes, for instance, near bends or angles in the pipes, there is a tendency for a little accumulation? A. True.

Q. The proper thing to do is to construct a system with slides so that the pipe, the main pipe can be frequently cleaned out? A. True. There is also an element that — there is considerable grease and oil used on the face of the polishing wheels; in the case of the buffing wheels there is the disintegration of the wheels, the arms being worn away, or the body of the buffing pan is greasy, and the grease is carried off into pipes, and forms a combustible element. I have known of fires arising from just such causes.

Q. So the installation of an exhaust system, while it may minimize the danger at one point, may increase it at another. A. Without the exhaust system the polishing room would be hardly livable or permitted.

Q. We are enforcing the law requiring the installation of exhaust systems.

PATICK COLGAN, Bricklayers, Masons & Plasterers' Union, No. 19.

By Assemblyman PHILLIPS:

Q. You are the business agent of your union? A. I am.

Q. How many men in your local? A. Two hundred.

Q. Bricklayers, plasterers and stone masons? A. Yes.

Q. I suppose sometimes your work is on steel frame buildings and on different kinds of labor? A. Yes.

Q. Do your plasterers have any particular dangers? A. Now, I would not say.

Q. Other workmen are found there when they commence? A. Nearly so.

Q. They are inside of the buildings? A. Inside as a rule, may be in a hallway, sometimes in a well hole, but not as a rule in very dangerous places.

Q. Do you work at your trade or put all of your time in as business agent? A. I work at the trade. We have not a business agent all the time.

Q. What are the general characteristics of the foremen in mason work, bricklaying and stone mason work? A. I don't quite understand your question.

Q. That is your foremen, the men who are known as drivers, are they after a large output or do they look after the safety end? A. They endeavor to get out a good day's work. They are generally from the ranks. I believe around in this neighborhood, generally first class.

Q. Watch after the safety end of it? A. Yes.

Q. Most of your dangers are on scaffolding? A. Yes.

Q. And something falling on them? A. Yes.

Q. You may have some general suggestions in mind that you want to state for the prevention of accidents? A. I never gave it much thought until lately I met with an accident myself, and from that I had an idea a contractor was held responsible, and was obliged to pay the man for his hurt, his day's wages, his doctor's and hospital bills, and in case of death some amount that would tend to the better protection of the men.

Q. Make them more careful? A. I think so.

Q. Have you any idea in mind? A. I don't know how it would be brought about, but I might say, while there are some contractors that have every safeguard for the men, but there are others that put up very slimsy scaffolds.

Q. The law provides that it shall hold four times the weight put upon them, but in many cases the contractors don't do it? A. No, but what the remedy is I may not be able to suggest.

Q. Generally constructed under the supervision of the foremen? A. Generally run under the foremen or the boss.

Q. Is the scaffold generally built by a carpenter or mason on the larger jobs?

A. By a carpenter.

Q. If there is enough of that kind of work to keep a carpenter busy, they will put a carpenter on? A. Yes.

Q. Do you get a better scaffold then? A. I may say, yes. There are a great many of the bricklayers had rather build their own scaffolds. Then they know things are absolutely safe. In putting up a butlock (?) he will leave a nail loose, and it is liable to fall and there is an accident. He may leave it and then come back and finish it.

Q. Like any work, if a man takes his attention away from it he may have forgotten where he left off? A. Yes.

Q. Do you know whether the local building inspector inspects the scaffolding, or looks to see whether the provisions of the law respecting the safety of the men are enforced? A. Of my own knowledge I don't think he has been in the office long enough to give us a general idea. I presume that is his duty.

Q. His predecessor, did he do anything of that kind? A. There was not any.

Q. It is a new office then? A. Yes.

Q. So until recently there was no local inspector of any kind in building construction? A. No.

Q. Where a man does build a scaffold, does the foreman select the particular man to do it, or is it placed upon the two or three men that happen to be working on that particular part of the job? A. All those things depend on the job. If it were a large job, the mason will say to the laborers, if it is a dangerous place, he will tell the mason, "See that your scaffold is all right." Nine times out of ten they will do that before you go on.

Q. Tell the mason to see if it is all right? A. He will see if it is nailed properly, see if it is sound.

Q. The masons generally get an opportunity for that? A. Generally around here.

Q. They take the time to do that? A. Generally, around here, they will take the time to do that.

Q. Do you have many accidents in Utica from defective scaffolds? A. Not many I would say. One or two a year.

Q. What other sources of danger, do you have? A. Well, I think late there is so much go ahead to the work, there are so many workmen of different kinds, we will say, iron men, painters, and carpenters, all working overhead and they make the dangers far greater than years ago, where one class of men practically completed their work before the other came in.

Q. I suppose there is more danger in a contract where it is being done by several sub-contractors than where the work is all being done by one contractor? A. Far more. There is less regulation; where one man is doing the whole thing he has it done to the best advantage. Where everybody is looking out for himself he cares little for the other fellow.

Q. He does not want anything to interfere with his branch of the work? A. He wants to get it done the best he can regardless of its effect upon the other branch of the work.

Q. Of course in a steel frame building there are men working above your steel, laying the brick? A. Yes.

Q. Do you know whether they generally obey the law which requires the floor of the building as it goes up, temporary flooring? A. I believe that we have two or three cases here that they don't obey the law until they are obliged to.

By Mr. LOWE:

Q. Do you know what your remedy is in case the law is not complied with? A. In that regard what they did here is to see the inspector.

Q. Ask for an inspection by the State Labor Department? A. Yes.

Q. You know that you have a right to write to Albany to this legal building inspector, and it is his duty to see about it? A. Yes.

Q. You have no suggestions to make? A. None that I think of.

Q. You feel then that the most of your dangers are due to the nature of the work then? A. Yes.

Q. Do you know whether conditions are better in that respect in Utica than in other places? A. I think they are far better.

Q. Do you know why it is better? A. I could not say. In a general way in our business in Utica there is not so much rushing and driving as in the larger places, where it is simply get your work done regardless of anything else.

M. G. FORD.

I represent Carpenter's Union 125, also delegate of the District Council. I was unfortunate myself last October in meeting with an accident while working at my trade, and I don't wish to say anything for publication in the daily press for I expect to be in a law suit as a result of this accident.

By Assemblyman PHILLIPS:

Q. In a general way what are the dangers in your carpenter work? A. I think there should be some law to compel

contractors to provide proper scaffolding for his work, and it may be the duty of the foreman to see that such scaffold was proper.

Q. Is the scaffolding generally constructed now by the foreman, or under his supervision? A. Well, now, usually here, with some of the small contractors, and some large ones, the foreman is working with the men.

Q. He is a working foreman? A. Yes.

Q. He is left in charge to push the other men? A. Plainly speaking there are looking to get the amount of labor, and let the matter of safety for men take the back seat.

Q. Of course, the law is very stringent now with regard to scaffolding. If it is lived up to it is fairly safe. A. Well, I don't know. I don't see where the workman has the better end of it. It is put in this way, that some of the men will tell you it does not make any difference to us. It is nothing out of our book. We have our men insured, and they won't pay anything without a suit and an ordinary man can't afford to go to lawyers. It is carried from one court to another until it uses the man up. There should be some law that should restrict this insurance.

Q. Do you think the fact that the employers take out insurance, makes them less vigilant in preventing accidents? A. I do.

Q. Have you any other suggestion? A. I don't know as I have.

Q. Of course your work has more variation than the mason work, you are all over the building? A. All over the building. On top in the cellar, everything. Sometimes our scaffold is merely a plank stretched across, sometimes merely a stepladder.

Q. I suppose quite frequently if the workman needs a plank stretched across somewhere to stand on, he gets it himself? A. Yes, sir.

Q. You think he is careful in selecting proper plank? A. I think so.

Q. You think he has that in mind? A. I think so. I don't know as there is any workman that has got on a plank that he thought was defective.

Q. Ordinarily does he have any difficulty in finding a proper plank? A. No.

By Commissioner WILLIAMS:

Q. Is it not true that a carpenter is frequently required to do work for which no scaffold is provided, and he has to do the best he can with the ladder or stepladder? A. It is, yes, frequently.

Q. The ladder or stepladder might be considered suitable and proper in some cases? A. In some cases, yes.

Q. In some cases, not? A. Yes.

Q. Well, in case the employer is not on the job and the carpenter undertakes to use a stepladder or a ladder or horse as a scaffold, while it is improper for such use, do you think that in such case that the employer is really responsible? A. Why, no. I don't think he is. He is not there.

Q. In other words, the workman himself should exercise some judgment as to what he uses or refuses to use? A. Yes, sir.

Q. Every person working on a building is entitled under the law to a safe and proper scaffold? A. We don't need any more law than we have got to-day for that. But it has always seemed to me that there is to some extent at least some responsibility resting upon the man who uses the scaffolding. I wish to state that were a foreman in on the job continually he should have charge of all such scaffolding.

Q. I quite agree with you, because he represents the employer? A. He represents the employer, and he should inspect it, and see that it is properly constructed.

Q. I quite agree with you. A. And when he gives instructions to use certain scaffolding, you are supposed, you should be supposed to take his word for it, that it was right. There should be some law to compel the contractor or his foreman to make these inspections. It should be one of his duties.

Q. It is his duty under the law to provide a safe scaffold. He can take whatever means he may decide upon to perform that duty. If he fails to take any means it seems to me that he should be held responsible.

FRED H. EVANS, Painters' Local, No. 69.

By Assemblyman PHILLIPS:

Q. I suppose your work with regard to the scaffolding is the same. I suppose that yours is a swinging scaffold, generally isn't it? A. Yes.

Q. What have you to say in regard to the use of the swinging scaffold here in the State? A. The only trouble is we find with the small contractors. We find they use sometimes poor planking, sometimes rope that has not been inspected. I never remember of a rope in the city being inspected. And then another case we have is swinging scaffolding on a poor cornice. A painter does not know about the carpenter's work. He thinks it is safe. He goes on and tries it on the ground, and it seems to be safe enough, and the strain is under the cornice, and the cornice is apt to come down. The only suggestion I have got and the law covers it very thoroughly, but I have often thought that if

they would have sometimes what we call a guy line to use, a line attached to the roof, then in case of an accident and there is a man or men on the scaffold each has something to hold on to, so that in case there is anything to break, the rope gives way and the cornice comes down, he has got something to save himself with. I think the law provides for a guard rail, and a rail is absolutely no use to a painter in case anything breaks.

Q. It does prevent him from falling off?

A. It does prevent his losing his balance.

Q. Do some men complain that the rail is a source of danger, that they would rather not have it there? A. Yes, they do. They claim in this way, that it makes a scaffold heavier, especially on a weak cornice.

Q. As a matter of fact you think that it is safer with the rail, don't you? A. Aside from the danger of the cornice I do, because a man walking along a scaffold has something to catch hold of.

Q. Who places the scaffold? A. The men themselves mostly, because two men are sent on a job, and sometimes they don't see the foreman or the contractor until the scaffold is up for a couple of days.

Q. And they have to depend upon their general knowledge as to whether the cornice will hold or whatever they attach to? A. There is not a painter in Utica that would not use a guy line, provided it is furnished by the contractors.

By Commissioner WILLIAMS:

Q. You realize, don't you, that there is no provision in the law under which we can compel the contractor to furnish a guy? A. I thought that—I thought that possibly there was some way out.

Q. There is no such provision in the law. It might perhaps be advisable to put on such a section. I have read the law a number of times, and you think if that was put in it would be safer? A. I don't think there would be an accident one in five years in Utica, if we had a guy line.

Q. Then Mr. Chairman, regarding this matter of the condition of the cornice, when we come to enforce conditions of safety by means of a statute you have got to have that statute law as a foundation. There is absolutely no reference to the condition of a cornice in this law. I mean the law now relating to swinging scaffold. We might, however, on the broad ground that the scaffold as a whole is unsafe, because of the condition of the cornice, prohibit its use. The only method by which we could attempt to enforce safety in regard to that particular point. A. Mr. Williams, to show you the chances that

painters take, the matter of a cornice. Take it with a scaffold on which there are several men. Nine times out of ten a fall would be prevented, provided a man had a rope in his hand that he can catch, because if the scaffold gets loose he is going to grab something, and if he has a rope he is going to grab on to that for dear life.

Q. Where would that line be fastened?

A. It should be fastened to something on the roof.

Q. Independent of the cornice? A. Independent of the cornice. A great many times I have used a guy line myself, and I always make it a point to fasten it to something substantial, sometimes a beam, always on the lower portion of the chimney, because the chimney is not apt to pull through.

Q. Sometimes run it through a scale way and fasten it to a beam on the inside? A. Yes. Or sometimes I have seen it used from a first story window, when you can't fasten it on the roof.

Q. Another point, Mr. Chairman, that I want to bring out is this that the only agency clothed with the authority to enforce the law relating to scaffold is the State Department of Labor. The local building department has nothing to do with that. So that your complaints with reference to unsafe scaffold would have to be filed with the Department of Labor in Albany now. Personally I don't think that this is a condition that should exist. I think myself that the law should be amended so as to place the responsibility, and the authority in the building department of the city where such a department is in existence. For this reason: We are 100 miles away, a complaint is placed in the mail to-day, it will reach us to-morrow. We may not have an inspector available for immediate detail to the examination of that scaffold. The job upon which the user of the swinging scaffold is employed is short, and before an inspector can get on the job the scaffold has either caused an injury or the job is done. I believe it would be advisable to change the law and place the authority for enforcing it in some local authority, so that a man can get immediate action upon his complaint. A. I believe that myself, because they won't if they have to be sent to Albany, and the case would come up, there would not be one case in ten for the inspector to get here in proper time to do any good, because painting is something that goes along without delay.

Q. In your work you don't, as a rule, come into conflict with other parts of the work if it is new work, because that is all completed? A. That is all completed.

The danger in painting is not so much on new buildings, the danger is in painting an old building.

Q. Have you anything further to suggest? A. That is about all that I know of. Everything else has been covered by law now. Outside of the guy line, I think that is one of the most important. I think that is more benefit to painters than the guard rail around the scaffold. The guy line should be long enough to reach down to the ground from the roof.

Q. It should be essential that the guy line should reach the ground. In case the scaffold dropped and the guy line did not reach the ground the man would be hung in the air.

T. H. TIPLADY (Boiler Makers, No. 43).

By Assemblyman PHILLIPS:

Q. Have you any suggestions? A. I have been sent here by the boilermakers.

Q. How many are there in your union? A. Thirty-two boilermakers. From time to time these boilermakers are called away on jobs to different parts of the State to do repairs upon boilers, such as patching boilers, taking out flues, one thing and another, and in the operations of their duty there is different pipe flanges that is connected with other boilers with the pressure on. During the operation of the driving of rivets or pounding on the boiler, he is liable to jar on to these valves connected with these other boilers, and open them up. That is liable to have a boilermaker scalded.

Q. That has occurred? A. Yes. We have had several instances in the city where boilermakers have been scalded in that manner. Sometimes they are good about discontinuing these pipes, while other boilers in other places they will shove you off, and say they have not time, or they haven't a man to do it. I think that something ought to be done in regards to that, to compel these manufacturers to discontinue these pipes from the other boilers during the time we are working on them. Then there is another thing that is liable to be the cause of a boilermaker's getting scalded. The engines on the New York Central, on the M. & M division, running into Montreal, there is an overflow pipe on the injector of an engine that runs down the side of the engine into the ashpan. At times a man is called upon to crawl into this pan and connect up the grate. It is mostly foreigners employed to turn water into these engines. One of these for-

eigners is liable to open up the injector and scald the men in the pan.

Q. That has occurred? A. Yes. I think that ought to be overcome in some way. I understand that in Montreal that the engines run into a roundhouse, or into a station having their overflow pipes projecting out. I think that ought to be overcome or avoided in some other way. They run out of Utica here. I know of instances where a boilermaker has been scalded connecting up grates.

Q. There are two definite suggestions you have there? Any others? A. That is about all I can think of, that comes under these heads. There are boilermakers working in places where boilers have not been inspected for over a year, and places in Rome on the Barge canal, not a boiler inspector up there in over a year. There was a boilermaker up there last week looking at the boiler, and he found the boiler filled up with mud and hard scale upon the wetlocks, and an inch of scale on top of the crown sheet they could not knock off with a sledge hammer. Another instance that I understand happened, they let the water down on one engine and pulled the fire out on it, and the injector would not work, so they let the boiler cool down, at four o'clock in the morning they started a fire again thinking they had water enough to run the boiler, and the injector was out of order.

Q. What are those engines? A. Portable engines on the Barge canal. They are the kind of engines they use for hauling away dirt; we call them donkey engines. There is no provision of the law at the present time calling for any periodic inspection of these boilers and engines used for such purposes.

By Assemblyman PHILLIPS:

Q. They are not railroad locomotives.

By Commissioner WILLIAMS:

Q. Not classed as locomotive engines, neither are they subject to the law relating to the inspection of factory boilers. They escape inspection. I think that is a defect in the law that should be corrected. So we have three definite suggestions here.

JACOB STAHLLOVER (Hod Carriers and Buildings Laborers, Local No. 182).

Q. I would like to ask Mr. Williams, if there is any way that we can tell those people down here on this new building to plank that floor. Men working there four, five and six stories high.

By Commissioner WILLIAMS:

Q. I believe that that matter has been handled by your superintendent of buildings. A. I don't think he has handled it. Because in the flooring they have crippled four or five there now. It is high time something should be done. I think there is a State law compelling them to floor that over.

Q. Yes, there is. There is a law under which they are required to plank over the upper tier upon which the iron men are working. That is true. A. You see they have got men down there riveting; two gangs, then they have got men boarding up,

handling iron over their heads. You can't tell what minute some thing is going to drop down and put them out of business.

Q. Your superintendent of buildings has served an order upon them, and they are going to comply with it. My understanding is that they have ordered a carload of spruce plank in order to comply with the superintendent's order? A. I have seen sledge hammers, and axes and everything else coming down there.

Q. Have you had any accidents which have occurred on account of this? A. I have had an accident, but it was long ago.

Commission adjourned, 4:30.

MEETING OF THE EMPLOYERS' LIABILITY COMMISSION.

Held at Room No. 206, Number 1 Madison Avenue, Borough of Manhattan, City of New York, on March 3, 1911, at 11 o'clock A. M.

Mr. J. Mayhew Wainwright, in the Chair.

Present: Messrs. J. MAYHEW WAINWRIGHT,
ALFRED D. LOWE,
EDWARD D. JACKSON,
GEORGE W. SMITH,
FRANK C. PLATT,
CYRUS W. PHILLIPS,
GEORGE A. VOSS,
HOWARD R. BAYNE,
OTTO M. EIDLITZ,
HENRY R. SEAGER,
Miss CRYSTAL EASTMAN,
Members of the Commission.
J. P. COTTON, for Counsel.

Hon. John Williams, Commissioner of Labor of the State of New York, appeared before the Commission.

Commissioner WILLIAMS.—Referring to sections 18 and 19 of the labor law of the State of New York, the first paragraph in section 18 relates to the construction of scaffolding generally; but you will note that protection, the degree of protection afforded, is left entirely to the judgment of the inspector; for the term "proper" is a comparative term. What may be proper in the judgment of one may be entirely inadequate in the opinion of another. It should not be very difficult to amend that paragraph so as to make it a little more specific, a little more definite.

THE CHAIRMAN.—On that head, I ask if it would be a proper amendment to put in "And rules to secure such protection may be formulated by the Department of Labor," or something of that sort?

Assemblyman PHILLIPS.—I understood you to speak of the difficulty of enforcing such a law, such a general law, without a specific requirement.

Commissioner WILLIAMS.—I am simply expressing my opinion now on the law itself. As a matter of fact the number of complaints that the department has received with reference to this subject is very small, very limited; so that I am not speaking so much from the experience of the department as from my own personal ideas concerning what should be done.

Mr. COTTON.—Doesn't the latter part of the section make it much more definite than it would appear to be at the outset?

Commissioner WILLIAMS.—I intended to come to that.

Assemblyman PHILLIPS.—I think we might bear in mind the fact that that section has been more favorable in actions for damages than in the enforcement of it. The employer has been held liable in almost every scaffold accident. I think the court starts out with the presumption that the employer is liable.

Mr. EIDLITZ.—I think Mr. Phillips has covered it. The fact is, that I think the general provision is all right. The moment you get into a section of the law where you prescribe that this or that should be done, then you have trouble. I take a great deal of care and trouble with our scaffolds, but I am liable to have an accident at any time. I can't be there all the time myself at all of these scaffolds. I have employed the best men and give them the best materials, and they have instructions to save nothing, and I never find any fault with the men spending a little money on a scaffold, and so far I have had very few accidents; but accidents will occur in the scaffold end of it. It seems to me that you reach the man who wishes to evade the law and who wishes to do improper work, better by a general provision than by telling him just what to do, because you can't enforce it. There are thousands of scaffolds going up in the building activity in New York City, and you can't go around to see if they are built right; or if you did, you would have to have five hundred men to do it.

THE CHAIRMAN.—What would be your idea of a possible change? What would you consider a necessary feature or features?

Commissioner WILLIAMS.—I have in mind, Mr. Chairman, that in England they

have undertaken to prescribe such regulations with respect to the safety of scaffolding — their regulations enter into details.

Mr. EIDLITZ.— I call your attention on that issue to the fact that English needs and our needs are entirely different. We are building higher and higher, and what would be employed for an eight or ten story building, would be entirely inadequate for a twenty or forty story building; and if you are going to legislate just what is to be done, you would have to legislate for the safety of the worst case that you knew of, and you would be loading up the whole industry with unnecessary detail and expense. In other words there is no credit in doing a thing so strong that you can smell it. The point is to make it absolutely strong enough to do any possible thing that it has to do and perform its work satisfactorily; after that you are going on the waste proposition.

Mr. SEAGER.— I was impressed with that view. It would encourage the men where there is no railing — and some would prefer to have no railing — they depend on the railing and don't make the railing strong enough.

Mr. EIDLITZ.— Most of the trouble comes from the fact that we are all prone to disregard danger and become accustomed to it. That is where the trouble comes in. Men take chances. No matter how careful they are, they take chances.

THE CHAIRMAN.— Let us take the commissioner's own views on the subject.

Commissioner WILLIAMS.— I want to ask Mr. Cotton a question which relates to the construction of the law — taking the second paragraph of section 18, do you consider that that imposes upon the contractor the obligation to erect safety rails upon scaffolding of all kinds?

Mr. COTTON.— I understand it refers to the scaffolding, to the kind of scaffolding referred to in the first paragraph of section 18 — swung or suspended from a frame support.

Commissioner WILLIAMS.— I think that is precisely what controls, the beginning of that first sentence in the second paragraph, it relates to staging or scaffolding that is swung or suspended from overhead supports. If it is built out on a building, either through window openings or in some other manner, and supported on a frame, it does not require a rail.

Mr. SEAGER.— Do you think that that distinction is desirable?

Mr. EIDLITZ.— I think it is covered.

Commissioner WILLIAMS.— I am considering the other kind of a scaffold.

Mr. EIDLITZ.— You mean you wouldn't put a rail around any scaffold?

Commissioner WILLIAMS.— The purpose of a rail is to prevent a man from falling off the scaffold.

Mr. EIDLITZ.— But you don't want to make your proposition so that it couldn't be used generally. If they go and sit on the ground they would be perfectly safe. You couldn't stir up a bigger row than to say that every scaffold in the entire building has to have a rail.

Commissioner WILLIAMS.— I don't mean scaffolds used inside, I mean scaffolding placed on the outside.

Mr. EIDLITZ.— That is all right.

THE CHAIRMAN.— No matter whether it is a swung scaffold or how it is attached to the outside?

Mr. SMITH.— Wouldn't the commissioner, in his discretion, have the right to say whether or not those scaffolds be placed?

Mr. COTTON.— The next section gives stationary scaffolding and gives the commissioner power to fix it, if he wants to, but to act only on complaints. That is section 19.

THE CHAIRMAN.— Let us have the commissioner give us his uninterrupted version of this statute. We will make greater progress, I think.

Commissioner WILLIAMS.— I have been impressed with the idea, Mr. Chairman, that all the scaffolding erected on the exterior of a building should be required to have a railing just as much as a swinging scaffolding is now, under the present law, and it occurs to me that that can be accomplished by inserting a comma after the word "scaffolding."

THE CHAIRMAN.— Where?

Commissioner WILLIAMS.— In the second paragraph.

Mr. EIDLITZ.— As a matter of fact, since the introduction of the safety scaffold now being used, the use of scaffolds, such as you suggest, in the City of New York has been practically discontinued; in any tall building we don't use them at all. We have a scaffold used for five or six or ten stores above, with steel suspenders, wires and guys down, with drops in them, which carry a swinging scaffold, with a rope on each side, inside and out, and a rope or piece securely tied to the floor, and the men are absolutely protected, and a roof over them so that they are protected from stuff falling from the top. They lower and raise it as they go along, operate it themselves, and so far there has been no accident on record on any of that kind of scaffolding.

Commissioner WILLIAMS.— But they are not universally used.

Mr. EIDLITZ.—Probably not used on a six story building.

Assemblyman PHILLIPS.—Have you ever heard of a man falling off an outside scaffold on a six or eight story building?

Commissioner WILLIAMS.—No, but the fact that I have not heard does not establish the fact that such accidents have not happened. If there were such accidents they were not recorded.

Mr. EIDLITZ.—There is no use trying to safeguard a thing which is only one-tenth or two-tenths dangerous. Take a building twenty stories high, where the bricklayer has to lay down on his stomach to lay his brick, or he is on a building thirty stories high and he has to go out and lay his brick around a column—he is doing that every day in the week. Now, if anybody will give him a scaffold on the outside his risk is diminished about one-fiftieth of what it would be the other way. There is no use of putting these things in cotton batting. You have got to have a reasonable amount of care, and all that sort of thing to protect people in a reasonable way, but you can over-insure yourself and your feelings may run away with you, but you can make a law like this that the entire community is scared to death of. I think the more you leave it alone the nearer you will come to having it right.

Assemblyman PHILLIPS.—Suppose you make your change, will there be any more inspections. How will it be enforced?

Commissioner WILLIAMS.—In the following section provision is made for inspection.

ASSEMBLYMAN PHILLIPS.—Would it be of any value unless inspection was provided for?

Commissioner WILLIAMS.—It is of no particular value unless inspection is provided for.

THE CHAIRMAN.—Give us your views as to what you think should be done with this provision. Your first point was that a comma should be inserted after the word "scaffolding" in the second paragraph of section 18, so that that section would apply to all scaffolding and should not be limited to swinging or suspended scaffolding. Now, your next point?

Assemblyman PHILLIPS.—Shouldn't there be an "and" there?

Commissioner WILLIAMS.—If you insert "and" you don't need the comma.

THE CHAIRMAN.—Wouldn't that apply to interior as well as exterior?

Commissioner WILLIAMS.—The next sentence confines it to the exterior, because there are not many instances on the inside where the floor is twenty feet below the

scaffolding. That is the only definite change I would suggest. But in Utica, on Monday, we had a painter before the commission, and he called our attention to what seems to me is a very important point, which could be corrected by the inclusion of a clause in the section, to require guy ropes on swinging scaffolding for the use of the persons upon them, independent of the ropes which hold the scaffolding itself, so that in the event they break the man working upon the scaffold has a chance.

THE CHAIRMAN.—Do you recommend that?

Commissioner WILLIAMS.—Yes, I think that is a good idea.

THE CHAIRMAN.—You mean life lines?

Commissioner WILLIAMS.—Yes, sir.

Assemblyman PHILLIPS.—Has it been suggested that the number of lives lost because of getting entangled in the life lines has been as great as the number of those saved by grabbing them? That is the point, whether that would be a good thing.

Mr. EIDLITZ.—You know as well as I or anybody else that a man must walk along with his hand on one rope and use the other to do his business.

Commissioner WILLIAMS.—As a matter of fact painters don't work with both hands.

Mr. EIDLITZ.—No, but they have to take hold of things to steady themselves, and move their bucket and all that sort of thing. It strikes me as terribly academic.

Commissioner WILLIAMS.—This suggestion comes from a man who works on a swinging scaffold himself day after day, and I don't consider it academic; I consider it a very practical suggestion, and it comes from a source that appreciates the danger and the utter helplessness of a man upon a swinging scaffold. If the suspending ropes give way, he has no chance.

THE CHAIRMAN.—Would it be without the question if the scaffold was a covered scaffold?

Commissioner WILLIAMS.—Painters' scaffolds are not covered. The job is not a long one, they anchor the scaffold to the cornice or upon the roof, and it does not take them long to go with their work from the top down to the ground.

THE CHAIRMAN.—I am obliged to leave for a few minutes and I will ask Mr. Seager to take the chair in my absence.

(Mr. Seager then assumed the chair).

Commissioner WILLIAMS (Continuing): In the enforcement of that provision, the duty devolves entirely upon the Department of Labor. Sections 18 and 19 are committed to the Department of Labor for

enforcement. With respect to section 20, the duty is concurrent, devolving upon the superintendents of buildings and the commissioner of labor. I believe it would be advisable to impose the duty of enforcing sections 18 and 19 upon the local authorities.

Miss EASTMAN.—Wouldn't it be a good plan to change the enforcement of the law, to place the enforcement of the regulations upon the city building departments? Do you think divided responsibility is a good thing?

Commissioner WILLIAMS.—That would be a most agreeable change to us.

Miss EASTMAN.—Is the Department of Labor really in a position effectively to enforce building regulations?

Commissioner WILLIAMS.—To-day? No, not at all.

Miss EASTMAN.—The city building department has men going around all the time, and my point is that it seems to me that they could enforce the regulations very much better than the Department of Labor.

Commissioner WILLIAMS.—I fully agree with that view.

Mr. SMITH.—The idea would be to change the authority to those in the building departments?

Commissioner WILLIAMS.—Either that or increase the department of labor so that it may be equipped with a sufficient force of men to properly enforce these provisions.

Mr. SMITH.—It seems to me that the laws could be more effectively enforced, that is a compliance with them, if it was put in the hands of the local city authorities, because the fellows that put the officials into power are right here at their doors to say to them that they shall do so and so—"we want you to do this, that or the other thing, and if you don't we will see what we can do."

THE CHAIRMAN.—Should not the local men be placed under the supervision of the commissioner of labor as to the enforcement of this law?

Commissioner WILLIAMS.—I think it would be well if the commission bore in mind this point: that the testimony of men who have appeared before you from the building trades particularly, with respect to the enforcement of section 20, seemed to indicate that they would prefer to have it enforced by the State authorities. I don't know why that is, but it seemed to be the case.

THE CHAIRMAN.—The state department wouldn't be so subject to local political influence in that way.

Mr. COTTON.—You want to recommend, as a first step, sufficient force to enable you to take up building inspection all over the State, or are there more important things in your Bureau?

Commissioner WILLIAMS.—I certainly think there are some more important things.

Mr. COTTON.—You don't mean to increase your labor department this year to that extent?

Commissioner WILLIAMS.—No, sir, I have not recommended anything definite. I want to call your attention to the fact that the Labor Law is silent upon the subject of the safety of employees upon public work. There is not a word in the law relating to the question of safety upon barge canal construction, bridge construction, nor is there anything in the law relating to safety in brickyards, except so far as the provisions of the factory law can be applied; nothing in the law relating to proper safeguarding of clay banks and sand heaps, and some serious accidents have happened by reason of the sliding of banks, men have been injured and killed; and foundation work, there is nothing in the law regarding the proper shoring and making safe of such operations; the trenches in sewer work and work of that character, is not provided for.

Mr. COTTON.—What should be done with that? In cities such work is an incident of construction. Should that duty be placed upon the state department, and if so, how?

Commissioner WILLIAMS.—I have not given the matter sufficient thought to suggest the details.

Mr. COTTON.—I don't mean the details. But should you do it or should the local authorities do it?

Commissioner WILLIAMS.—I think that for public works, generally, the Department of Labor would be better to take care of the matter.

Mr. COTTON.—Of course scaffolding in public work is included in this law?

Commissioner WILLIAMS.—That is true if such work falls within the terms of the law.

Mr. COTTON.—You mean there should be some special supervision of such work by the Department of Labor?

Commissioner WILLIAMS.—Yes, sir.

Mr. COTTON.—And municipal work by the local authorities?

Commissioner WILLIAMS.—Yes, sir.

Mr. COTTON.—Would you go so far as to say that the plans for the construction of such work should be approved by the Commissioner of Labor before they are undertaken?

Commissioner WILLIAMS.—No, that is a matter that seems to me could not be covered by plans. There are conditions which develop as the work progresses, which could not be foreseen by the engineer or the architect.

THE CHAIRMAN.—Your idea would be some general clause that would bring such work clearly under the inspection of the force of the Department of Labor with a view of making the work safe?

Commissioner WILLIAMS.—Yes.

Mr. COTTON.—In all of such contracts, that the work of the general contractor should always be subject to the supervision of the State Department of Labor, that would be the simple way to work out this thing. There is no objection to that in any view?

Commissioner WILLIAMS.—No.

THE CHAIRMAN.—What authority would be asked?

Commissioner WILLIAMS.—Complete authority to safeguard employees.

Mr. COTTON.—That is as far as one can go at the present time?

Commissioner WILLIAMS.—I think so. You remember the testimony of the man from Schenectady, who discussed that subject at the Albany hearing, he referred particularly to Barge canal construction work, where the men were required or permitted to travel across the Mohawk river in a sort of a skip on an overhead wire track, and that more than once something happened which caused the skip to dump the men into the river and some lives were lost.

THE CHAIRMAN.—You would like to have the authority to put an end to dangerous conditions like that?

Commissioner WILLIAMS.—It seems to me that it is incumbent upon the State to take steps to safeguard life.

THE CHAIRMAN.—Can we arrive at some definite conclusion with reference to these sections, 18 and 19, as we go along? As I understand it, Mr. Commissioner, you would favor a change that would put the responsibility for the enforcement of these regulations squarely and exclusively upon the building authorities, in the cities, the local building authorities or departments?

Commissioner WILLIAMS.—I would. I think the present situation is not only unsatisfactory but intolerable.

THE CHAIRMAN.—It gives them an excuse for not doing the duty which the law imposes.

Mr. SMITH.—Is the law specific enough now to give the local authorities the excuse or the right to say, "We can't help ourselves now. We have got to do this thing no matter what persuasion may be used

against us." Have they got sufficiently strong a law now to put them in that position?

Commissioner WILLIAMS.—Yes. As a matter of fact the duty is laid first upon the superintendent of buildings.

Senator PLATT.—Don't you think, if they have the sole authority, that department, then the employees are the sole ones that would be held up to see that they enforced the law better than they do now?

Commissioner WILLIAMS.—I think perhaps that result would be brought about.

Mr. SMITH.—That is what I had in mind.

THE CHAIRMAN.—That could be covered by eliminating from the last sentence of section 20 the statement "and the commissioner of labor" and changing "are" to "is," so that it would then read as follows: "The chief officer in any city, charged with the enforcement of the building laws, is hereby charged with enforcing the provisions of this section."

Commissioner WILLIAMS.—I think you ought to add to that so as to include the duty of enforcing sections 18 and 19.

Mr. COTTON.—Well, how does that apply to any of the local conditions of cities which have no building superintendent?

Commissioner WILLIAMS.—That is a condition you should consider, for they have no superintendents of buildings except in cities of the first and second class.

Mr. COTTON.—What are you going to do with the rest of the cities, after you get out of these?

Commissioner WILLIAMS.—You should provide in your amendment for the enforcement of the law by the police department.

THE CHAIRMAN.—How would it be to say "the chief officer in any city charged with the enforcement of the building laws of the State, except in cities having building departments, or cities of the first and second class, is hereby charged," etc., and the Commissioner of Labor in the other cities?

Mr. SMITH.—No, leave it to the police department.

Mr. COTTON.—The police department has no power to enforce any law without going to court.

Commissioner WILLIAMS.—Then place the duty upon mayors of cities of the third class and the presidents of villages.

Mr. SMITH.—That would cover it.

Commissioner WILLIAMS.—If that is done, I think you will find that the local officials will respond to the pressure put upon them, whereas now they escape because of the fact that there is a dual responsibility.

Senator PLATT.—I think you are right there, Commissioner.

THE CHAIRMAN.—Of course, the other aspect is that these provisions are relatively unimportant in comparison with the rather faulty provisions in the larger cities, that is the municipal regulations in regard to buildings which are also in force, and you really have to have local inspectors to enforce those municipal regulations, and it would involve duplication of work, if you people had an adequate inspection force in connection with your department.

Commissioner WILLIAMS.—Yes.

Mr. SMITH.—They could assign to those inspectors, those local inspectors, the duty of looking after that additional work, and then there would be no duplication.

THE CHAIRMAN.—I think we are apt to get what we want by putting it squarely upon the local authorities and having them attend to it, putting it upon their shoulders.

Senator PLATT.—If the labor department did it you would have to have an army of inspectors.

Commissioner WILLIAMS.—Yes, I think the plan suggested also recognizes the principle of home rule.

Miss EASTMAN.—The added reason is that the Labor Department has more than it can do with its employees now, and if, while we are going to add on a great deal to its labors, we can at the same time take off a little, we will sound more reasonable.

THE CHAIRMAN.—Would it be advisable to try to formulate that proposition in a definite way, or proceed?

Commissioner WILLIAMS.—I wish to make one more suggestion with reference to section 21. I think the first sentence of section 21 should be changed so as to conform to what seems to be the opinion of the commission as to what should be done with reference to sections 18, 19 and 20, "The Commissioner of Labor shall enforce," etc., putting in your exception. As to section 20a there is an important group of accidents that are left out of the reckoning unless we find that they are reported elsewhere. I am referring now to accidents which happen to electric linemen. Perhaps Mr. Cotton can tell us whether such accidents are reported now in the Public Service Commission.

Mr. COTTON.—Not generally, unless they are in the course of the operation of public utilities, otherwise they are not reported.

Miss EASTMAN.—Telephone and telegraph companies, accidents in those companies are not required to be reported to the Public Service Commission.

Mr. COTTON.—Not unless they are in the course of the operation of the public utility.

THE CHAIRMAN.—The provisions of law in regard to reporting accidents in gas and electric companies and telephone and telegraph companies are different. The law does not require them in telephone and telegraph companies.

Miss EASTMAN.—It seems to me that the commission should take that up, to see if it is necessary to require reports.

Mr. COTTON.—I think they should be reported to you and not to the Public Service Commission, construction accidents.

Assemblyman PHILLIPS.—Aren't they supposed to be so reported under the laws of this State?

Mr. COTTON.—How about reporting building accidents?

Commissioner WILLIAMS.—They are reported now.

Mr. COTTON.—How about the supervision if the enforcement of the law is put in another body? You would have no way of telling how they are correct, if you have no duty in regard to the enforcement of the law.

Commissioner WILLIAMS.—That is true.

Mr. COTTON.—Shouldn't they be reported to you then?

Commissioner WILLIAMS.—I think they should. I think the State is interested in securing information regarding all accidents.

Mr. COTTON.—What I mean is would you be able to keep a check on the reports where you have no inspection?

Commissioner WILLIAMS.—We have no inspection now.

Mr. COTTON.—What do you do on your building and accident reports? Are there any in?

Commissioner WILLIAMS.—Yes, there are.

THE CHAIRMAN.—Couldn't they be reported by requiring the local authorities to send in a carbon duplicate, using a pad with carbon and making a duplicate report.

Commissioner WILLIAMS.—I should think they might be able to do that; yes, sir.

THE CHAIRMAN.—Then you could get after the local authorities to verify those reports.

Commissioner WILLIAMS.—Yes, that would be very good. I should think you would have to be careful in formulating your amendment so as not to give them a chance to evade the matter.

THE CHAIRMAN.—That would be very simple, to include that. That should be required of the local authorities.

Commissioner WILLIAMS.—You mean accidents occurring in the construction of builders?

THE CHAIRMAN.—Yes, sir.

Commissioner WILLIAMS.—You have got to draw your line very carefully, so as not to impose upon employers unnecessary burdens.

Mr. COTTON.—I don't see why you can't get your statistics from the local authorities just as well as sending them to you direct.

Commissioner WILLIAMS.—You can't unless you provide for it specifically. We can't depend upon any mutual understanding between State and local authorities.

Mr. COTTON.—No, but your function is practically of a personal gathering of statistics, and having them you can do that better than any one else. Once a month would be sufficient; no reason for getting them any oftener than that.

THE CHAIRMAN.—Do you think that there is any other class of accidents that should be included in this requiring of reports? For instance, the accidents on dock work may be sufficiently frequent and serious to require reports. If you want to get complete statistics of industrial accidents, don't you think you ought to get all of them, including this class?

Commissioner WILLIAMS.—It might be advisable to include accidents happening at piers and docks in stevedoring work. They have accidents and generally of a serious nature. That is so, isn't it Mr. Smith?

Mr. SMITH.—They do have serious ones.

Mr. COTTON.—Of course, you have no inspection to check such reports?

Commissioner WILLIAMS.—True, but don't we want this information for the purpose of furnishing a proper basis for future legislation, if the situation develops to be serious enough to warrant such action? Isn't it necessary that we should first obtain this information?

THE CHAIRMAN.—The handicap of this commission from the start has been the lack of information about accidents.

Commissioner WILLIAMS.—They have taken this matter up in England. They are required there to report accidents and they have prescribed certain definite regulations.

Miss EASTMAN.—Do you think there should be a provision in the law anywhere requiring the reports received by the Public Service Commission to be similar in form to those of the labor department, so that they can be compiled together?

Commissioner WILLIAMS.—I know this that when the statisticians of the Public Service Commission were preparing blanks they secured copies of our reports, and I am inclined to think that they are substantially in the same form. Of course, I am not sure about this.

Miss EASTMAN.—But they have the accident reports of the Public Service Commission in such shape that you couldn't make anything out of them.

Assemblyman PHILLIPS.—They are putting them in better shape now; the man that is there now is a better man and they are changing their plan.

Mr. WILLIAMS.—There is one other point I wish to call to the attention of the Commission, and that is that I think that the law should be amended so as to require all dangerous occurrences in manufacturing establishments to be reported whether they result in personal injuries or not. For instance, the bursting of a machine, a part of the machine, or of an emery wheel, or anything which, under different circumstances, might result in a very serious accident; it seems to be that such occurrences should be reported.

Mr. SMITH.—I wouldn't be in favor of a provision of that kind, I don't think.

Mr. JACKSON.—It couldn't be enforced, could it?

Commissioner WILLIAMS.—I think it could, why not?

THE CHAIRMAN.—The difficulty is that that is rather a vague term, "dangerous occurrence."

Mr. SMITH.—I think we are going far enough. I think we are putting enough burden on the employer when we call for reports upon something that is actually tangible. I think we are going far enough when we do that.

THE CHAIRMAN.—These dangerous occurrences do result in accidents constantly, and you get that information with your accident reports, and of course at the time it calls attention to the dangerous occurrence, you might get a few more illustrations of bursting emery wheels; but you get a good many in your accident reports.

Mr. SMITH.—It would cause a great deal of preliminary investigation in accidents where bad results actually occur.

Commissioner WILLIAMS.—On the other hand, a dangerous happening might occur in a plant which has an excellent record, so far as accidents resulting in personal injuries are concerned, simply because the concern has been lucky, and if the report of the dangerous happening is made to us it will call our attention to the need of pretty close inspection of the plant to see whether or not there is sufficient care taken.

THE CHAIRMAN.—Wouldn't these plants probably not report their dangerous occurrences? It seems to me that is awfully vague.

Mr. SMITH.—Under recent legislation the employer is practically left without any defenses, and I don't think that any of them are so foolish as not to take note of these cases where personal injuries do not occur, and see to it themselves, for the purpose of providing against future trouble from the same source; they would take immediate advantage of some chance for protection in that connection.

Mr. JACKSON.—Do you think they do it now?

Mr. SMITH.—I think they do, because it means money to them, not because they have any humane feeling about it.

Mr. JACKSON.—If such a plan would work, I think it would be better to have it on a monthly basis, a monthly report of such occurrences.

Commissioner WILLIAMS.—England has seen fit to require a report of such happenings.

Mr. SMITH.—That is because England has so much time to dawdle along on.

Senator PLATT.—How would you make the report? Would they do it?

Mr. COTTON.—It might be framed in the Factory Law.

Mr. SMITH.—I don't think public sentiment would stand for it.

THE CHAIRMAN.—Suppose a swivel breaks, that might result in a dangerous accident. How would you define a "dangerous occurrence" so that the employer could report it?

Commissioner WILLIAMS.—The breaking of a machine, or some part of it.

THE CHAIRMAN.—Where is the danger of a scaffolding breaking?

Mr. COTTON (interposing).—Where is the danger to human life from a machine breaking where there is no one around it?

Assemblyman PHILLIPS.—You can specify how, the explosion of a boiler, of the breaking of a fly wheel or an emery wheel.

Commissioner WILLIAMS.—The idea is to study causes and prevention of accidents. Now, the mere fact that in the explosion of a boiler or in the bursting of a fly wheel or the breaking of a chain no one has been injured should not relieve the State from the obligation of observing the conditions and of looking into the causes of these occurrences, with the view of preventing similar accidents or occurrences so as to eliminate the danger of personal injury. But I don't want to press that point any further.

THE CHAIRMAN.—If we could enumerate the serious accidents, such as you have mentioned, I would be in favor of it, but to say in general terms that dangerous

accidents should be reported would seem to me to lead nowhere.

Mr. SMITH.—My inference is that we expect to be able to make some recommendations that will be accepted seriously by the Legislature, but if we attempt to go this far we will furnish chances for objection from too many sources, and we will not be able to be successful in getting through some of the things that we think seriously should go through. I think you would find that public sentiment would be quite against our doing anything like this.

Mr. COTTON.—I suggest that we pass on from sections 19 and 20 to sections 40, 41, 42 and 43, which are the sections in regard to the organization of the Department of Labor. We want to hear the Commissioner on how this bureau wants to be changed in case it should be increased.

Commissioner WILLIAMS.—I think I might have a clearer idea of what should be done if I knew what the Commission proposed to recommend in the matter of additional duties.

Mr. COTTON.—It don't know. It is rather vague, but their idea was that of increasing the scope of the Labor Department. How many men would you need to make efficient factory inspection in the city of New York, how it should be done and the grade of the men.

THE CHAIRMAN.—And if the present grade is satisfactory and the present compensation satisfactory, taking the type of men you ought to have.

Commissioner WILLIAMS.—I have made the statement to others privately that I believe we should have enough inspectors to enable us to cover manufacturing establishments more frequently. Some of our factories do not require more than one inspection a year, especially those where little machinery is employed, and where sanitary conditions, generally speaking, are up to the standard. But a very large number of places require frequent inspection. We are now able to give about one inspection a year to each of the factories, and to enable us to visit them as frequently as we should, to deal not only with the question of safety, but also with that of sanitation, we ought to have at least thirty-five more inspectors than we now have.

Mr. COTTON.—Which would be eighty-five?

Commissioner WILLIAMS.—Yes, sir.

THE CHAIRMAN.—For our information, would you give us an account of the personal organization of your inspection force, the personnel of the force, the

salaries paid, etc., so that we can have it clearly in our minds?

Commissioner WILLIAMS.—Yes; you may have seen a copy of my annual report for the year 1910—and those of you who have will find between pages 12 and 13 a chart showing the organization of the department. We have five bureaus. In addition we have what I, for lack of a better name, call the administrative branch. In the administrative branch we have counsel at \$2,400, auditing clerk at \$1,800, a special agent at \$1,400, and another special agent at \$1,500.

Senator PLATT.—What are their duties, the special agents?

Commissioner WILLIAMS.—The special agent at \$1,400 is a lawyer and he assists counsel in handling the cases of the department where we have to prosecute for violations of the law.

Mr. COTTON.—What cases do you prosecute?

Commissioner WILLIAMS.—May I now go on with the description of the organization of the department and you ask your questions later on? The other special agent is employed to perform such investigations as from time to time the Commissioner may wish to have undertaken, independent of any of the other bureaus. Then we have a stenographer at \$1,500, a confidential clerk at \$1,200, and a confidential agent at \$1,200, and a page at \$360.

The bureau of factory inspection, which is the principal bureau in the department, is in charge of the first deputy commissioner, who is also the factory inspector, at \$3,000 per annum. We have two assistant factory inspectors at \$2,400 each, one located at the New York office and the other located at the Albany office. We have a superintendent of licenses at \$2,400, located here in New York, who has charge of tenement-house inspection under the provisions of section 100 of the Labor Law. Then we have our medical inspector at \$2,400, tunnel inspector at \$1,500, forty-one deputy inspectors at \$1,200, four deputy inspectors at \$1,500, seven deputy inspectors at \$1,000, one clerk at \$1,500, two clerks at \$1,200, a stenographer at \$1,200, another stenographer at \$900, another clerk at \$1,000, two clerks at \$900, one stenographer at \$720.

The bureau of mercantile inspection is in charge of a chief mercantile inspector at \$2,500, with eight deputy mercantile inspectors at \$1,000, one clerk at \$900, one stenographer at \$900. The bureau of mediation and arbitration is in charge of a chief mediator who is second deputy commissioner at \$3,000 a year, a mediator

at \$2,500, two assistant mediators at \$1,500, a special agent at \$1,500, one clerk at \$900.

The bureau of statistics of labor, with a chief statistician at \$3,000, one senior statistician at \$2,400, one senior statistician at \$2,000, one senior statistician at \$1,800, two junior statisticians at \$1,500, two junior statisticians at \$1,200, two special agents at \$1,500, three special agents at \$1,300, a librarian at \$1,000, and a stenographer at \$720. Then in addition there is an expert at \$1,800, one clerk at \$1,500, one clerk at \$1,200, one clerk at \$720, and a stenographer at \$900. The bureau of industries and immigration, in charge of a chief investigator at \$2,500, five special investigators at \$1,200, a stenographer at \$1,200. That completes the organization, which consists of 120 persons, including the Commissioner.

If there are any questions regarding the duties devolving upon us I should be very glad to answer them. Some one asked regarding the prosecutions. At the beginning of the fiscal year 1910 we had ninety-four cases pending in the courts, involving violations of the law relating to sanitation and safety, employment of children, employment of women and minors, and regarding shops in tenement-houses. During the last fiscal year 610 cases were instituted involving the same class of violations.

Assemblyman PHILLIPS.—Do you make a complaint before a magistrate and the police arrest them—they are all criminal cases?

Commissioner WILLIAMS.—They are all criminal cases.

Assemblyman PHILLIPS (interposing).—Does the department counsel try the cases?

Commissioner WILLIAMS.—Our legal department conducts all prosecutions until they are through the police courts in Greater New York. When they reach the Court of Special Sessions, except in Manhattan, the cases are tried by the district attorneys of the various counties. Here in Manhattan, by an arrangement with the district attorney, our own counsel tries the cases in special sessions. The legal department handles quite a number of cases in a year. You see that the total number handled in 1910, including pending cases for the preceding year, was 704.

THE CHAIRMAN.—Is it true that very few of those cases have anything to do with violations of the accident law? In 1909 I went through the reports and found seven prosecutions taken up by the Labor Department for violation of the safety provisions, and in two cases sentences were suspended, in two cases fines were imposed amounting

to forty dollars in all, and in the other cases, one sentence suspended, another dismissed, and one was pending. I note that you have a good many successful prosecutions in regard to other features of the Labor Law, for instance, child labor, but is it not true that you have very few prosecutions connected with any violations of the accident laws?

Commissioner WILLIAMS.—Comparatively speaking, that is true.

Miss EASTMAN.—Is there any reason why you don't prosecute accident cases, while you do prosecute child labor cases?

Commissioner WILLIAMS.—Yes, the reason is that, as a rule, by communicating with them we succeed in securing compliance. We endeavor to secure compliance with the law in preference to prosecution, for we take this view, that the object of the State in creating the service was to secure compliance with the law. We resort to prosecution when peaceable means fail to bring about results. During the last fiscal year we have prosecuted:

Failure to guard saws, 7 cases.

Failure to guard set screws, 2 cases.

Failure to guard fly wheels, 1 case.

Failure to guard shafting, 1 case.

Failure to guard overhead belting, 2 cases.

Failure to provide hand rail, 2 cases.

Failure to keep doors unlocked during working hours, 1 case.

In the cases relating to failure to guard overhead belting we tried two cases; we secured a conviction in both and sentence was suspended in one and a penalty of fifty dollars was imposed in the other. In the case relating to failure to guard shafting the case is still pending. In the failure to guard fly wheel the case was dismissed. In the failure to guard set screws we convicted in both cases and a fine was imposed in each case, \$20 in one and \$25 in the other. In the failure to guard saws they dismissed three cases and four were convicted, but sentence was suspended. In a large number of cases which we prosecute, as a matter of fact, the concerns comply after the action is started, and they furnish the court with evidence of that fact, and I believe that that accounts for the number of suspended sentences. I would say that during the past month, as near as I can recall, the assistant factory inspector in New York referred about 350 or 375 cases to the legal department; these were cases where the inspectors had failed to secure compliance with the law. Mr. Cunningham, our counsel, when these matters are

referred to him, goes to the trouble of communicating with each person so as to give them another chance to comply and avoid prosecution. He writes and advises them that information has been drawn up alleging a violation of the law, and specifying it, and advising them that unless they give evidence of a compliance with the law before a given date the inspector will be instructed to swear to the information and procure a warrant. In this last month, of this number of cases referred before the end of the month, more than fifty per cent. came back with proof of compliance with the law. Now, it may be that in the course of the next few days a large percentage of the remaining fifty per cent., or a little less, will be so reported. We endeavor to bring about compliance with the law without recourse to prosecution.

Senator BAYNE.—Have you a record of the recommendations that did not end in prosecution?

Commissioner WILLIAMS.—Yes.

Senator BAYNE.—Can you recall how many recommendations did not end in prosecution?

Commissioner WILLIAMS.—I can't off-hand.

Senator BAYNE.—Is there anything in the report now in your hands which would enable you to approximate the number of them?

Commissioner WILLIAMS.—No, sir, they are not tabulated at this time. This is an advance report of factory inspection.

Senator BAYNE.—Are you able to state whether or not your inspectors ascertained all the cases in the State which were violations of the law which referred to guarding machinery and other appliances for the prevention of accidents?

Commissioner WILLIAMS.—Not so that I could state with absolute certainty.

Senator BAYNE.—I didn't mean so specifically as that, but rather to confine the questions to the reports of your inspectors, whether they covered the entire State or whether they had failed to cover it.

Commissioner WILLIAMS.—I think I may safely say that the State is pretty thoroughly covered by our inspection force once a year. Some of the plants are visited more frequently. Where violations of the law are discovered, or conditions that are unsafe are noted by the inspectors, we serve them with a notice directing them to remedy conditions—in such cases we endeavor to reach such a plant a second time, after the expiration of the period given in the notice for compliance with the order; but we are not able to reach them all, for the reason that our force is too limited.

Senator BAYNE.—So far as the discovery of these violations is concerned, your force is sufficient?

Commissioner WILLIAMS.—Yes, sir.

Senator BAYNE.—And as respects enforcement, they are not?

Commissioner WILLIAMS.—As respects the enforcement of the law, there is need of additional deputies.

Senator BAYNE.—Your recommendation for additional deputies is for enforcement, rather than for the discovery of violations?

Commissioner WILLIAMS.—That is true.

THE CHAIRMAN.—Would you say one inspection is adequate to discover violations, where conditions are changing so rapidly?

(At this point Senator Wainwright returned and resumed the Chairman's seat.)

Commissioner WILLIAMS.—Generally speaking I should answer that question in the affirmative. But there is no doubt in my mind that in the State there are a large number of establishments which should be subjected to frequent visits by our inspectors, on the ground that while, upon the day of inspection, conditions may be comparatively safe, the fact that the next day, or in a week, or ten days, or a month, a new arrangement or plan may be put into effect which would create an entirely different condition.

Senator BAYNE.—May not also the season, the quantity of employees, and the amount of work gotten out also vary the danger from the inspected machinery?

Commissioner WILLIAMS.—That is true.

Senator BAYNE.—So that, if you inspected things at a time when the work is light and the employees fewer, the danger of accidents from any violation of the law might not be so apparent or so urgent as to require any particular amount of labor?

Commissioner WILLIAMS.—Yes, sir, undoubtedly.

Senator BAYNE.—But at another time it would be so urgent as to require an immediate recommendation.

Commissioner WILLIAMS.—Yes.

Senator BAYNE.—Don't, also, some factories, by reason of their progressive disposition require more frequent inspection than others which are more conservative, which are much the same from the beginning of the year to the year's end?

Commissioner WILLIAMS.—Yes, sir, that is what I had in mind in making my response to Professor Seager's question. I will say this, that no system of inspection that the State could in reason undertake can guarantee conditions at all times in the year. That is, in my mind, clearly out of the question. So that all that we can hope

for is that conditions may be made approximately safe.

Assemblyman PHILLIPS.—Is it so that very few manufacturers fully comply with the law regarding safety in regard to their machinery?

Commissioner WILLIAMS.—At all times, yes.

Assemblyman PHILLIPS.—It would probably be more evident and plain where complaints for some violation of the law existed.

Commissioner WILLIAMS.—That is true, where the inspection was minute, so as to take in every point and every piece of mechanism.

Assemblyman PHILLIPS.—For instance, we went through a plant where they commenced to follow the law, but it will take two or three years to complete compliance.

Senator BAYNE.—Would you classify those violations mentioned which are most frequent?

Commissioner WILLIAMS.—We do, in our detailed reports.

Senator BAYNE.—I mean to say, can you recall the classifications now.

THE CHAIRMAN.—You give the statistics in the accidents reported to you, and classify them according to injuries?

Commissioner WILLIAMS.—Yes, but the Senator has in mind the conditions which we observe, and which call for an order remedying them.

Senator BAYNE.—Yes, sir.

Commissioner WILLIAMS.—We issue orders relating to matters which seldom cause accidents. During 1908 the department issued orders relating to sanitation and safety as follows: relating to lighting, 853, of which 648 were reported complied with. On ventilation and overcrowding 571, of which 304 were reported complied with. Time for meals,—this is regarded as having some bearing on the question of safety, eleven orders were issued, and ten compliances secured. On cleanliness and sanitary conveniences, 14,181 orders were issued, and 12,948 were reported complied with. Dangerous machinery, 6,750 were reported, and 6,101 were reported complied with. Elevators and hoistways, 945 were reported, and 888 complied with. Protection from fire, 2,560 were reported and 2,251 reported complied with. Unsafe buildings, 241 were reported, and 213 reported complied with. I should add that quite a large number of the compliances herein were reported to us voluntarily by the manufacturers; but a very large number were investigated by our inspectors. Then as to,—

Senator BAYNE.—How did they come to report violations about themselves?

Commissioner WILLIAMS.—They did not report violations, they reported compliance, without the order.

Senator BAYNE.—May I ask whether those reported compliances were verified?

Commissioner WILLIAMS.—In some cases they were, but we are not able to do it in all cases, for obvious reasons.

THE CHAIRMAN.—Let us stick to our text as close as we can, because we have got a lot to go over.

Commissioner WILLIAMS.—I want to impress upon the Commission at this point that a very large number of establishments which are subject to inspection, use no machinery, to speak of, where sanitary conditions are such as to require almost constant attention; and that, it seems to me, must be considered when you consider the question of the sufficiency or insufficiency of our force. Now, personally, I regard the subject of sanitation as of equal importance to that of safe-guarding machinery, for it affects health to such a degree that I really do feel that it is in many respects even more important than any other question. And here in New York, particularly, we have thousands of establishments, where the danger from the use of machinery is nil, or almost nil, but where sanitary conditions are such as to require constant inspection, not once a year, or twice a year, or thrice, but it would be well if we had a force sufficiently large to enable us to visit them at least six times a year.

Senator BAYNE.—Has the city, the city department, concurrent jurisdiction with your department in such inspections in the city?

Commissioner WILLIAMS.—I assume the Board of Health may, under the provisions of the Public Health Law exercise jurisdiction, but, as a matter of fact, they don't. Generally, when complaints are filed with the department of health affecting sanitary conditions, or relating to sanitary conditions in manufacturing establishments, they refer them to us.

Assemblyman PHILLIPS.—Have you ever had any cases where there was a conflict of authority between the Health Department and your Labor Department where your authority was questioned?

Commissioner WILLIAMS.—No, sir. On the subject of nuisances, if a nuisance is on the outside of a structure, we won't touch it, because we have no authority; but we deal with all questions of sanitation within the factory or upon the premises, which are directly related to the manufac-

turing business, such as privies, outhouses, etc.

Miss EASTMAN.—I would like to go back to the matter of prosecutions. There is a great deal said about these prosecutions in labor cases, and the general idea I have gathered, or the general impression, is that it is very difficult to secure a conviction; and I wondered if you thought the Labor Department had sufficient machinery, and was powerful enough in that respect, and also whether you thought the fines in the cases of violations of these safety regulations are big enough to amount to anything; and whether you make any recommendations in that line.

Commissioner WILLIAMS.—I think the machinery of the department is adequate. Regarding the amount of the penalty prescribed, I think that also is adequate. Regarding the attitude of the courts, the results are not very satisfactory.

THE CHAIRMAN.—Let us have that, as frankly as you can, Commissioner Williams. That is a pretty important subject. Let us have any criticism you have to make in regard to that subject. I don't see why you should not say anything about it that you wish to.

Commissioner WILLIAMS.—The criticism we have to make, refers to the tendency to suspend sentences after we have clearly established our cases.

Mr. SMITH.—Still, if they suspend the sentence, there has been a compliance, we will say, and that is all that you want to have, as full a compliance as is possible with the Labor Laws.

Commissioner WILLIAMS.—That is true, in one sense; but I think you should bear in mind this fact, that before an offender against the law is taken into court he has had at least three opportunities to comply with the requirements, four, as a matter of fact. In the first place, the inspector, when he visits the establishment, is required to bring to the attention of the person who accompanies him through the plant, the requirements or the provisions of the law that are violated, and what needs to be done to remedy that condition. That is the first time it is brought to his attention. The second, is when the formal notice is served upon him by mail from our main office, directing compliance with the recommendations of the inspector.

Professor SEAGER.—How long an interval elapses between inspection and formal notice, ordinarily?

Commissioner WILLIAMS.—It all depends upon the amount of work that is thrown upon our clerical force in the Albany office. Sometimes it takes two

weeks, and I have known of instances where it took longer than that, when the work became so heavy that with our somewhat limited clerical force, we were unable to keep up with it. But we aim to serve the notice not later than the second week. In other words, within fifteen days from the date of the visit of the inspector, the notice should be received and is received ordinarily. As a matter of fact at the present moment we have caught up with our work so that the notice is received by the employer within eight or ten days. That is the second opportunity he has to comply. Then, the inspector receives a duplicate of the notice that is served upon the employer, or the owner of the business, and that indicates the time, the period within which compliance is expected. It limits him to a certain time, that is, it is an order to comply immediately, or within twenty or thirty days, as the character of the order may seem to require. At the expiration of that time, the inspector with this duplicate, visits the establishment, or as soon thereafter as possible, and he notes upon the duplicate, whether the orders have been complied with or not. If one or more orders have not been complied with, the inspector returns the duplicate to our office, properly checked, indicating what orders are complied with, and which are not complied with, and then, as a result of his recommendation, what we call a final notice is served upon the owner of the business, and the inspector visits him once again. If compliance is established, that ends it. If compliance is not established, then that report is referred to counsel, and he, before he proceeds, gives them their fourth opportunity. So that, when we take the case into court, the owner of that business is absolutely without excuse, and there is no sense in the suspension of penalties when, after proceedings have been instituted, they then comply.

THE CHAIRMAN.—What kind of courts are these proceedings brought in?

Commissioner WILLIAMS.—In the police magistrates' courts, our proceedings here in New York, or most of them, are undertaken,—I mean greater New York.

Senator BAYNE.—What you call the lowest criminal court?

Commissioner WILLIAMS.—Yes. We lay our information before the police magistrate, and a summons or warrant is issued, and then we are notified, when the warrant is served, or the summons is returnable, that we are to be there on a certain day. We may have an immediate hearing, or the case may be set down for hearing at some future date; and the magistrate hears the

case. In some cases they produce evidence that they have complied at that time, and the magistrate takes it upon himself to dismiss the complaint. That ends it. So far as we are concerned, we can go no further. If, as is frequently the case, I must say, the magistrate disregards the plea of the defendant, and holds the case for special sessions, the matter is turned over to the clerk of the Court of Special Sessions, and it is set down for pleading. The defendants, in many cases come there and plead guilty. If they plead not guilty, the case is set down for trial or, it goes over and it is set down for trial later. The Court of Special Sessions has time and again admitted evidence to establish a compliance, which in our opinion should not be admitted because it related to conditions brought about subsequent to the institution of the proceedings, and should have no bearing upon our allegation of violation, because we allege that a violation existed upon a given date. But they accept that evidence, and they frequently suspend sentence, though we have proven our case with respect to the particular dates upon which we allege the violations,—they are satisfied that the manufacturer has complied with the law and should not be punished.

THE CHAIRMAN.—What is your suggestion along these lines?

Commissioner WILLIAMS.—I do not think anything can be done. I don't think you can, by legislation, interfere with the prerogatives of the court.

Mr. SMITH.—I was not greatly surprised when I heard Miss Eastman refer to the apparently small number of cases of prosecution by the Labor Department for violation of the safety laws. I would like to ask the Commissioner this: Whether, if a sufficient number of inspectors are afforded you to make in the future more thorough and frequent investigations, do you not think the sentiment generally prevailing amongst employers is such that there will be possibly fewer cases of noncompliance in proportion in the future than there have been in the past?

Commissioner WILLIAMS.—That is the end we have in view, and I think that perhaps we might be justified in expressing the belief that that would be the result.

Mr. SMITH.—There might be more cases found and reported, but in proportion I think there will be even fewer cases of noncompliance after the matters have been brought to the attention of the employers.

Commissioner WILLIAMS.—Yes; but I must say I hesitate about expressing a definite conclusion on a question of that kind, because we don't know.

Mr. SMITH.—No, we don't know.

Senator BAYNE.—Is not the failure of the magistrates' and other courts to penalize these violations of the law largely due to the fact that public opinion has not gotten quite up to the point where it should be on this general subject?

Commissioner WILLIAMS.—No, I do not think so. I think it is rather due to the fact that many of our magistrates are unresponsive to the state of public opinion, and that they are rather more inclined to meet the pleas of the friends of the defendant, social and political friends. That is a conclusion, and I have some things in my mind which enable me to arrive at that conclusion, for I myself have been appealed to time and time again to withdraw proceedings, to let up; and these appeals have come from the friends of defendants, both social and political; therefore, I think I am right, or at any rate I have the right to infer that the same sort of attempt is frequently made to interfere with the courts of justice.

Assemblyman PHILLIPS.—The magistrate is more likely to allow his personal views to interfere with his sense of justice in those kind of cases than he is in others.

Professor SEAGER.—According to your statements you have forty-one deputy inspectors at \$1,200 a year, four at \$1,500 a year, and seven at \$1,000 a year, and a number of special inspectors. Do you feel that with the grading from \$1,000 to \$1,500 there is a sufficient incentive to the inspectors who come in at the bottom to do their best and look upon their work as a career and to develop into high class inspectors?

Commissioner WILLIAMS.—I am very glad you have asked that question. I do not think that the State pays adequate salaries to those who are capable of rendering efficient service in these positions. I think that they start in too low. I think they should start in at \$1,200, which was the case up until a few years ago. I believe that to have three grades is all right. I think, however, that the salary for the grades should be \$1,200, \$1,500, and \$1,800, or if \$1,800 be deemed too high, that it should be \$1,200, \$1,400, and \$1,600.

Senator PLATT.—Are these men included in the civil service list?

Commissioner WILLIAMS.—They are. While upon this subject I want to add that we might improve our force by providing for a rearrangement of it, by dividing the State into districts, certain definite districts, and placing in charge of each district a special man to be called the supervising inspector, or some such title, which would

differentiate between such a person and the ordinary deputy inspector. Such person should be qualified to take up certain technical questions which from time to time arise in the territory, and to have general supervision over the work of the inspectors assigned to routine work. We now control the work of inspection from Albany. The territory is very extensive, as you know, and the man who is in charge of the work but infrequently comes in contact with the men in the field, except those who are in New York city, whom he has opportunity to come in contact with more frequently; and he comes in contact with the employers, the owners of businesses, less frequently than with the inspection force. I believe that it would tend to improve the character of the service if those in charge of the field inspectors were able to frequently come in contact with the interests that are affected by our organization.

Assemblyman PHILLIPS.—How many districts have you in the State now?

Commissioner WILLIAMS.—The districts vary. We do not follow strictly inspection district lines. We assign to each inspector a given number of counties, but we frequently take an inspector out of his district and put him somewhere else if he happens to be better fitted for a particular kind of work that we need to have done, and in that case we don't hesitate to take a man out of his district.

Professor SEAGER.—How many districts did you have in mind if this recommendation were carried through?

Commissioner WILLIAMS.—I think we should have at least six or eight.

Assemblyman PHILLIPS.—Would you have a special office in each district?

Commissioner WILLIAMS.—That would be advisable.

Assemblyman PHILLIPS.—You would broaden section 45 so as have an office in each district?

Commissioner WILLIAMS.—It would be necessary in order to enable both inspectors and manufacturers and others having business with the department to get to the office of the supervising deputy readily.

Assemblyman PHILLIPS.—New York city is the only place now where you have a sub-office?

Commissioner WILLIAMS.—Yes, sir.

Assemblyman PHILLIPS.—Do you sometimes, because of the necessity in New York city being so great, bring to the New York territory men from the up-State territory?

Commissioner WILLIAMS.—We bring a number of up-State inspectors down here to New York during the winter months for two reasons. First, because the amount of

work to be done here is so large that the number of regularly assigned inspectors cannot cover the field; the second reason is that we consider it is in the nature of economy, under the circumstances, to do that, because traveling in certain sections of the State, especially the country sections, is not very good during the winter, and we feel that we save the time of the inspectors where they would be held up on account of bad weather and bad roads.

Assemblyman PHILLIPS.—Your general factory inspector has the question of sanitation as well as safety to look after?

Commissioner WILLIAMS.—He has.

Assemblyman PHILLIPS.—Do you think it would be advisable or valuable to have in your office a safety expert as assistant to assist your general factory inspector?

Commissioner WILLIAMS.—If provision were made for a number of supervising inspectors I do not think that it would be necessary to have such a person at our main office, for my idea is that each of those men should be selected for his special qualifications to deal with factory problems.

THE CHAIRMAN.—How many of those special men should you have?

Commissioner WILLIAMS.—There should be eight.

THE CHAIRMAN.—Wouldn't there be some deputy in general charge?

Commissioner WILLIAMS.—The chief factory inspector should be able to handle the subject. We should secure one who could.

Senator BAYNE.—Aren't these inspectors experts?

THE CHAIRMAN.—That is one of the causes of complaint that we have gotten throughout the State, that they were not.

Commissioner WILLIAMS.—Some of them may have developed in the service, so that in certain respects they may be termed experts.

Senator BAYNE.—By experts I mean men familiar with the machinery or other phases of inspection, knowing what is required, and practical, in order to bring about safe conditions or at least compliance with the law.

Commissioner WILLIAMS.—I doubt very much if the State of New York could pay a large enough salary to any man who would be considered an expert in that particular sense. They become more or less expert as inspectors. They know how to proceed to cover a plant; they have clearly defined ideas concerning the points of danger that they are to look for, and they recognize dangers when they see them; but an expert in the true sense of the term should be able, without any hesitation, to

describe technically how a given condition involving danger might be overcome and remedied. Now, there are many, many thousands of machines in use in this city. The variety of machinery is so great that I doubt very much if any one man in the service to-day could qualify as an expert; and I am seriously in doubt whether we could hold in the service any man who could so qualify.

Assemblyman PHILLIPS.—We certainly would have to pay—what salary would you have to pay for a man of that kind?

Commissioner WILLIAMS.—I think you would have to pay for a man of that kind considerable more than the State is now paying to its Commissioner of Labor.

THE CHAIRMAN.—You mean that man would be one of these six deputies, or assuming he was a chief deputy in charge of the whole question of safety.

Commissioner WILLIAMS.—I don't quite understand the point.

THE CHAIRMAN.—What I mean is this: We found the General Electric Works and the New York Central, and various other establishments, where they have thousands of machines involving the utmost variety, we found that they have a particular man whose sole duty it is to consider conditions of safety with regard to devices, shop rules, and so forth. Now, the fact I had in my mind was as to whether the State of New York could not do something in a supervisory way for all the industries of the State when a great concern with 17,000 employees,—whether the State could not do what that concern has done for its plant, and whether the general factory inspector, who has charge of a whole lot of things, sanitation, and a great variety of provisions not necessarily related directly to the subject of safety, would be really the man who should be put directly in charge of these six men.

Commissioner WILLIAMS.—I think he is the man who should be in charge.

THE CHAIRMAN.—Getting away from the question that I had in mind, that there should be in the State some department with one man at its head with competent assistance, to do for the industries of the State in the way of supervision, and so forth, could we secure men to do what these men have done for the great industrial concerns?

Commissioner WILLIAMS.—I think the State can. With its present organization of the Bureau of Factory Inspection supplemented by the addition of supervising inspectors, who themselves might be termed experts in a way,—not such experts as I have outlined however,—I don't

think you could secure them for the money the State would be willing to pay—but I think the chief inspector could, by arranging conferences consisting of the supervising inspectors and himself, work out plans which would insure to the manufacturing interests of the State the same degree of supervision as the General Electric Company is providing for its various plants.

THE CHAIRMAN.—Do these inspectors in England have to do with safety,—those who have to do with safety, is that their exclusive duty, or do they have other duties, as our inspector?

Commissioner WILLIAMS.—Their duties are general, like ours. The only difference is that they have a greater variety than we have.

Assemblyman PHILLIPS.—What salaries do they pay the supervising inspectors there?

Commissioner WILLIAMS.—I did not go into that subject at any length. Mr. Gilmore has covered it fully.

Professor Seager.—Don't they go much higher than here?

Commissioner WILLIAMS.—Yes.

Mr. SMITH.—I think in reference to the properties amenable to such inspection, that it is certainly not fair or just to them that anybody of cheap inspectors should have the right to go into their plants, or go through their properties and prescribe certain things for them that should be done. A more competent man they would think differently about.

THE CHAIRMAN.—We are still on articles 3 and 5.

Professor SEAGER.—On this matter I would like to ask your opinion with regard to the proposition that the State have a museum of safety devices, partly for the information of employers and partly with a view of training the inspection force by enabling them to see what sort of safety devices are practicable and available. Do you think that would strengthen the work of your department very materially?

Commissioner WILLIAMS.—Without a doubt it would, provided it could be made a live exhibit, which would mean a tremendous expense.

Professor SEAGER.—Have you considered, in saying that, the probability that the manufacturer who would install devices would be glad to have them placed in a city museum, would contribute the devices, and that probably the cost of getting them would not be so great, as the difficulty of making sure that the things you were getting were worth having in the museum.

Commissioner WILLIAMS.—Of course, that would be a matter of opinion, pure and simple, as to what might or might not be

worth having. I suppose many of them would be very glad to furnish such a museum with exhibits; but what I mean by a live exhibit is one with machinery installed and in motion, fully equipped with safeguards.

Mr. SMITH.—You mean full sized machines?

Commissioner WILLIAMS.—Either full sized or miniature.

Professor SEAGER.—Is it necessary that they should be actually in motion? A person would have to understand the machine to understand the theory of the device.

Commissioner WILLIAMS.—Such an exhibit, to make it worth while, should be connected up so that the mechanism could be started, in order that a demonstration of the utility of the device might be assured. Now, that is what they have in Paris. It is not a large one, but they have an exhibit like that there, and it is electrically driven, they turn on the switch and the machinery revolves. But with us the question of expense would be a serious one, I feel.

Senator PLATT.—Why couldn't your department make arrangements with some of the large manufacturers, say two or three large manufacturers in New York, and one in Buffalo, whereby your department would have the right to experiment, to put safety devices on certain machines in their factories? Why couldn't you do that?

Commissioner WILLIAMS.—In the first place, we have neither the time nor the facilities for such experimentation; and I doubt very much whether we could secure the consent of any manufacturer. Every bit of machinery in a plant represents capital, and they are looking for results from that capital, and I doubt whether they would permit us to do any thing like that.

Professor SEAGER.—Before we leave this question relating to the personnel of the organization of your force, I would like to ask if you are satisfied with the personnel of your present force, or have you any suggestions to put to us as to ways in which the force could be made better, even with its present small salaries. Have you any dead wood, and if so, would you be able to get rid of it?

THE CHAIRMAN.—I think that is an important question. Should we put it on the record?

Commissioner WILLIAMS.—You need not be afraid on my account.

THE CHAIRMAN.—Then we will go on.

Commissioner WILLIAMS.—I will make my statements and stand on them anywhere. In my report for 1910 is this paragraph: "Last year attention was directed to the fact that the efficiency of a number of our inspectors was affected by the "growing

infirmities of advancing years." In the very nature of things, this condition will continue to grow upon us until a plan is devised and adopted under which persons of a given age may be retired from the service. The question of the establishment of a civil pension list is far too important and serious to be discussed in a departmental report. It should be considered by a special commission authorized to look into it in all its aspects." Last year I said more than that. We have a number of inspectors on our staff who are veterans of the Civil war.

Professor SEAGER.—How many?

Commissioner WILLIAMS.—There are at present five. I have considered this matter very seriously. I realize that I might possibly in each of these cases undertake to establish the fact that these men had now reached a stage of physical incompetency, and in that way get rid of them.

Professor SEAGER (interposing).—What would you have to do? You couldn't discharge them.

Commissioner WILLIAMS.—No, sir. In order to comply with the requirements of the law, I would have to give them a hearing. But I want to say to this commission, and through this commission to the State, that I do not propose to stifle my feelings nor assume the responsibility of saying to these old men that they are no longer of any use—in other words, that they are ready for the junk heap. I do not believe that that responsibility should be forced upon any administrative head of a department. I think it is the duty of the State, in view of the fact that it has established the rule of law that they are to be protected, to assume the burden, and provide for their retirement.

THE CHAIRMAN.—There is a limit of age for retirement?

Commissioner WILLIAMS.—No, sir, and you cannot place such limit upon veterans of the Civil war, under the decisions that have been rendered. You have got to make out a case against each one of them, and give them a hearing; and it would be a pretty cold man who would undertake to say to these old men, "You have got to get out," and if I am subjected to censure because I have failed to do that, then I will have to stand it.

THE CHAIRMAN.—Have you anything else you wish to say?

Commissioner WILLIAMS.—Speaking generally, the force is quite efficient.

Professor SEATER.—In particular you have named five individuals not efficient. Are there any other weak spots, sore spots in the department, and is there anything that can be done?

Commissioner WILLIAMS.—Yes, but they are of such a nature that I really do not think that they are easy to dispose of.

Commissioner WILLIAMS.—Let me proceed. The department is now under civil service. For a time after the creation of the original Department of Factory Inspection, it was not subject to Civil Service Law and regulation. There are in the service to-day a number of persons who were appointed prior to the placing of the department under the Civil Service Law, who, in my opinion, could never have qualified had they been required to take an examination. The service might be improved upon if others were substituted for them.

THE CHAIRMAN.—How many men have been carried over from the conditions that existed before the Civil Service Law applied to your department?

Commissioner WILLIAMS.—Perhaps three or four or more came in without examination. Some of them, however, I should say, took a promotion examination and passed it, demonstrating their fitness to be in the service.

THE CHAIRMAN.—Then, to how many does your criticism apply?

Commissioner WILLIAMS.—It applies to three or four.

Mr. SMITH.—The promotion examination is a fair test?

Commissioner WILLIAMS.—It is a very difficult test.

Mr. SMITH.—It is a real test?

Commissioner WILLIAMS.—Yes, sir.

Mr. SMITH.—You are consulted in regard to it, I suppose?

Commissioner WILLIAMS.—I am.

Mr. SMITH.—And your views are taken on that?

Commissioner WILLIAMS.—Yes, sir.

Professor SEAGER.—What is the adequacy, in your opinion, as to the civil examination, preliminary to getting on your force at all?

Commissioner WILLIAMS.—I think the civil service examination for deputy factory inspectors is and has been very good. Since 1899, the Civil Service Commission has been giving practical examinations and establishing very satisfactory eligible lists from which we secure our inspectors.

THE CHAIRMAN.—What is the nature of those examinations?

Commissioner WILLIAMS.—Questions of law, education and experience.

Professor SEAGER.—Questions on the Labor Law, you mean?

Commissioner WILLIAMS.—Yes, sir.

THE CHAIRMAN.—Have you any of the examination papers in your department?

Commissioner WILLIAMS.—They are on

file in the office of the Civil Service Commission.

THE CHAIRMAN.—There is no reason why we could not get sample examination papers from the department. I will ask the secretary to write to the Civil Service Commission to ask them to send us a few sample papers of those who took the examination for factory inspectors.

Senator PLATT.—In that examination held for inspectors last spring, how many tried that examination? Wasn't it four hundred and something?

Commissioner WILLIAMS.—I believe so, about 450.

Senator PLATT.—And 42 passed.

Commissioner WILLIAMS.—Yes, sir.

Senator PLATT.—As a matter of fact, is it not a very hard examination?

Commissioner WILLIAMS.—Why, yes and no. It was a practical examination. The questions were framed with a view to securing an eligible list of persons who knew something of conditions in manufacturing establishments, and that accounts for the very large number of failures. Young people, recently from school, from the colleges, law students and others took the examination, and they fell down utterly on the practical questions which tested their knowledge of factory conditions.

THE CHAIRMAN.—Are we through, gentlemen, with Articles III and V?

Commissioner WILLIAMS.—No, sir, we are not through with Articles III and V.

THE CHAIRMAN.—How much more is there?

Commissioner WILLIAMS.—It is the purpose of the Commission to recommend or to consider any recommendations for increasing the powers of the Commissioner of Labor so as to enable him to prescribe rules?

THE CHAIRMAN.—Absolutely.

Commissioner WILLIAMS.—Then it comes right there in Article III.

Assemblyman PHILLIPS.—Do you deem it advisable to require the filing of plans or specifications for new factories, or additions that will be made to them, with the Labor Department at the Albany office, or with the supervising inspectors if such a department is organized?

Commissioner WILLIAMS.—No, sir, I do not. I will give you my reason if you want it.

Assemblyman PHILLIPS.—Go ahead.

Commissioner WILLIAMS.—I do not think our department should be made to consider or approve plans relating to construction.

Assemblyman PHILLIPS.—Relating to the

space planned for the placing of the machinery, and so forth.

Commissioner WILLIAMS.—As a matter of fact, it is very seldom that the plan of a plant indicates the exact location of machinery.

Assemblyman PHILLIPS.—Well, providing the plan was required to indicate it?

Commissioner WILLIAMS.—I doubt very much that the result would justify the expense of the examination and registration. You would have to register your plans and make a record of the provisions. It might require the filing of duplicate plans, keeping one set on file; and an examination such as that, it seems to me, would not give us what we are looking for. This might be considered in that connection, a notice of intention to build or to establish a new plant, or additions to existing plants,—might be considered as of some value.

Assemblyman PHILLIPS.—This is what I refer to: Take, for instance, changes in old factories. There is more danger in that than in new buildings.

Commissioner WILLIAMS.—That should come under Article V.

Assemblyman PHILLIPS.—The only point is, whether if you did that, you wouldn't want a safety expert in the office.

Commission adjourned to meet at 3 P. M.

AFTERNOON SESSION.

HENRY R. SEAGER, presiding.

Mr. SEAGER.—The Commissioner was about to make a statement as to the adequacy of his powers under Article III of the law.

Commissioner WILLIAMS.—With your permission, Mr. Chairman, and that of the Commission, before I proceed with the reply to Mr. Phillips' question, I would like to make a statement supplementary to what I said this morning concerning the character of the personnel of the force as it is at present constituted. I do not wish to have my remarks this morning regarded as an unqualified criticism of certain members of the force. Those that I have in mind have been in the service for a great many years, some of them for 17, 18 and 19 years, and therefore they have served under different heads. Their services in respect of certain things is quite satisfactory, they are able to inspect for purposes of sanitation, and are fairly efficient; but they are deficient in knowledge of mechanics and their ability to enforce the law with reference to those particular provisions which relate to machinery. I have felt that I ought, in justice to them, to add that to what I

stated this morning. As to the question Mr. Phillips presented this morning regarding the powers of the Commissioner, they are described in section 43 and in section 62 of Article III of the law. We have no power now to prescribe any special rules or regulations regarding either safety or any other subject that properly falls within our jurisdiction, and I have felt that our laws should contain a provision, or, rather, that we should be clothed with power somewhat analogous to that conferred upon the Home Secretary under the British Acts. Some members of the Commission know what that means. He is authorized to adopt, or to promulgate what are known as Orders in Council, and those orders, when approved and put in force, have the same effect, the same binding effect upon manufacturers as though they were written in the body of the law. The British method of prescribing and adopting such regulations, I think, might be adopted by us in this State. They are noticed first, and opportunity is given for those who may be affected thereby to be heard, so that each industry is protected to that degree against unnecessary or too burdensome regulation. I believe it would be well for us to be clothed with such power. It is possible that the Commission might deem it advisable to provide in the statute that such regulations might be proposed by the Commissioner of Labor, and proper notice given and hearings arranged for, and that before they take effect it would be necessary to secure the approval of the Governor.

Assemblyman PHILLIPS.—Similar to the rules and regulations prescribed by the Civil Service Commission and by the Insurance Department?

Commissioner WILLIAMS.—I do not know anything about the Insurance Department, but I do know about the Civil Service Commission, that such regulations as the Commission may adopt are subject to approval by the Governor and must be approved by him in order to take effect. I am inclined to think that if such a provision in respect of what we are now discussing were adopted, it would be very good, for it would insure the manufacturing interests a fair and impartial hearing, and the rules would be subject to review by someone other than the officials charged with the duty of enforcement.

Mr. SEAGER.—Would you limit your suggestion to your power to prescribe safety devices and so on?

Commissioner WILLIAMS.—Safety, and hygienic conditions.

Mr. SEAGER.—That is, ventilation, et cetera?

Commissioner WILLIAMS.—Yes, sir,

Mr. SEAGER.—I think that is a very good suggestion. Do you think that a law putting such power in your hands would be constitutional under our system of government? That is, that it would not be regarded as delegating to an administrative officer legislative power?

Commissioner WILLIAMS.—Speaking as a layman, I think that it would be just as constitutional as the power now vested in the Public Service Commission and in the Civil Service Commission. I am not aware that the power of the Civil Service Commission to prescribe rules and regulations governing examinations has ever been questioned.

Mr. SEAGER.—Well, that, of course, is an activity of the State which does not affect private interests, and is in a little different position.

Commissioner WILLIAMS.—The powers conferred on the Public Service Commission affect private corporate interests. The public is concerned in the safety of persons employed in private industry also.

Miss EASTMAN.—Of course, there is this difference, the Public Service Commission is composed of a number of men instead of one executive officer.

Commissioner WILLIAMS.—The problem, however, is the same.

Chairman WAINWRIGHT.—How about delegating such powers to the Commissioner of Insurance, the Commissioner of Health, they have all kinds of powers delegated to them, which, I think, if that problem is involved, would be just as much a violation as this. However, that is a question for our counsel to consider. Now, Commissioner, does that conclude what you have to say to us with regard to Articles III and V?

Commissioner WILLIAMS.—It does with respect to Article III.

Chairman WAINWRIGHT.—That involves section 62, the general powers and duties of the bureau as to factory inspection. It seems to me we might dwell a moment on that.

Commissioner WILLIAMS.—Section 61 relates to the grades of inspectors and salaries, deputy inspectors, I mean. I do not know whether we consider that something is necessary with regard to that, or whether you deem it necessary to discuss that further than we discussed it this morning. We covered that fairly well, I think.

Chairman WAINWRIGHT.—Unless you want to be more specific as to the numbers of the different grades under the three or four classifications.

Commissioner WILLIAMS.—If the Com-

mission decides to recommend the adoption of the suggestion made to it for supervising inspectors I am of the opinion that section 61 might well be amended so as to provide for but two grades of deputy inspectors, grade one to receive \$1,200 and grade two receive \$1,500 per annum.

Chairman WAINWRIGHT.—In what classification would not put your six safety inspectors?

Commissioner WILLIAMS.—They would be supervising inspectors.

Chairman WAINWRIGHT.—They would not be deputies?

Commissioner WILLIAMS.—They would not be deputies and, as a matter of fact, legislation is not absolutely necessary to enable us to create such positions, but it might be advisable.

Mr. SEAGER.—That is, you could create that position yourself?

Commissioner WILLIAMS.—Yes, with the consent of the Civil Service Commission, such position might be created, provided we secured appropriations to pay salaries and expenses.

Chairman WAINWRIGHT.—Would not that better be done by law? Would it not dignify their position and give them more importance?

Commissioner WILLIAMS.—It would be better, and then the question of providing money would be put up to the Legislature squarely.

Miss EASTMAN.—Your idea is to have these six supervising inspectors in charge of local offices?

Commissioner WILLIAMS.—Yes, in distinct territories.

Miss EASTMAN.—With an office and someone permanently in charge?

Commissioner WILLIAMS.—Yes.

Miss EASTMAN.—Would you need special legislation also to secure the power to establish those offices, or have you that?

Commissioner WILLIAMS.—That could be secured by simply cutting out of section 45, four words. It says, "The Commissioner of Labor may establish and maintain a sub-office in any city of the first class if, in his opinion, it may be necessary." Simply leave out the words, "of the first class."

Miss EASTMAN.—Would you prefer to have it left that way rather than specify in the law where the offices should be?

Commissioner WILLIAMS.—I would prefer to have it that way.

Chairman WAINWRIGHT.—Commissioner, is that all you have to say under section 61?

Commissioner WILLIAMS.—Yes, sir.

Chairman WAINWRIGHT.—Now, taking up section 62: Have you any comments to

make on that, and I call your attention particularly to subdivisions 4 and 6 of section 62?

Commissioner WILLIAMS.—The duty prescribed in subdivision 5 is not mandatory, it is simply permissive. It says, "may be observed and enforced by the Commissioner of Labor."

Chairman WAINWRIGHT.—Does that suggest itself to you as giving you the authority with regard to any of the municipal ordinances with regard to building, even though no complaint is made to you?

Commissioner WILLIAMS.—We have seldom, if ever, attempted to do anything under the powers conferred in subdivision 5. We did some years ago submit the question to the Attorney-General for his opinion as to our powers to enforce the provisions of the Building Code in Greater New York with respect to fire escapes. The question was submitted after the Appellate Division, in the case of the City of New York against the Trustees of Sailors' Snug Harbor, had held that exclusive jurisdiction to enforce the provisions of the law relating to fire escapes was vested in the bureau of buildings. We were advised by the Attorney-General that in view of the terms of that decision we could not undertake to enforce those requirements. So, it seems to me after all, that subdivision 5 is somewhat meaningless and that it might, without any prejudice to the interests to be served, be stricken out.

Chairman WAINWRIGHT.—How about subdivision 4?

Commissioner WILLIAMS.—I think subdivision 4 should stand just as it is.

Chairman WAINWRIGHT.—Suppose the Commission should recommend the vesting in your department of control over building operations. Is that the subdivision where it should go?

Commissioner WILLIAMS.—No, I think that should be in section 43 rather than in section 62.

Chairman WAINWRIGHT.—Then, have you anything further to say with regard to that whole section, 62, defining the general powers and duties of the factory inspector?

Commissioner WILLIAMS.—No.

Chairman WAINWRIGHT.—You think it is ample for all purposes as it stands? Has any commissioner anything to say further on this?

Commissioner WILLIAMS.—I think it might perhaps be well to go over subdivision 1 of section 62 very closely, if you intend to recommend the creation of the new grade of supervising inspectors.

Chairman WAINWRIGHT.—You wish to call our attention to that?

Commissioner WILLIAMS.—That is all. That is all I have to say on that section.

Chairman WAINWRIGHT.—Does section 68 suggest anything with regard to the posting of the provisions of the Factory Law?

Commissioner WILLIAMS.—No, I think not.

Chairman WAINWRIGHT.—Has any commissioner any question to put, or is there any subject that he would like to have the Commissioner's views on with regard to these two Articles, III and V, before we leave them and pass on to other subjects?

Mr. SEAGER.—I would like to ask whether, in the opinion of the Commissioner, a reorganization of his force on the lines suggested is more important than the increase in his force. That is, whether the reorganization, including the provision for six supervising inspectors, with adequate salaries, and the two grades of deputy inspectors, with salaries of twelve hundred and fifteen hundred dollars respectively, is more important, or whether increasing the force along present lines, assuming that both cannot be done at once, is more important?

Commissioner WILLIAMS.—I feel that both are equally important. That is, if one thing is done the other also should be done. If the force is increased, as was suggested this morning, the necessity for the creation of the grade of supervising inspectors will be greater than it now is. I think the reason for that is perfectly obvious. If the force of deputy inspectors were to be increased to eighty or eighty-five the additional burden thrown upon the chief inspector would almost swamp him. So, I think it is rather difficult to draw a line and say which of the two is of the greater importance.

Chairman WAINWRIGHT.—Is there anything further, Mr. Phillips?

Assemblyman PHILLIPS.—No, sir.

Chairman WAINWRIGHT.—Now, there is nothing in section 70 that relates to our subject, or in section 71?

Commissioner WILLIAMS.—There is nothing until you come down to section 79. Sections 70 and 78 relate to the employment of children and the hours of labor of children and women.

(At this point Honorable P. Tecumseh Sherman, ex-Commissioner of Labor, joined the conference.)

Chairman WAINWRIGHT.—Mr. Sherman, Mr. Williams has explained to you his general recommendations with regard to an increase in the force and the qualifications to be prescribed for his deputies, and his recommendations with regard to the re-districting of the State. May we under-

stand that you concur in those suggestions?

Mr. SHERMAN.—Yes, I concur entirely in what Mr. Williams says, with especial emphasis on the fact that the rules should be elastic, the districts should be elastic, and subject to the discretion of the Commissioner of Labor.

Chairman WAINWRIGHT.—With regard to securing the services of a certain number of men with technical training. Have you thought that that would be wise?

Mr. SHERMAN.—Yes.

Chairman WAINWRIGHT.—Mr. Williams has recommended to us that the salaries of supervising inspectors should be not less than \$2,000 per annum. What is your mind on that, Mr. Sherman?

Mr. SHERMAN.—I think that very necessary, because you cannot get good men, who at the same time are capable mechanics, and along with the mechanical knowledge have literary and scientific ability to conduct administrative work and keep records and everything like that without paying at least that salary.

Chairman WAINWRIGHT.—Is there anything more in that line? Mr. Phillips, did you want to say anything?

Assemblyman PHILLIPS.—I asked the question whether \$2,500 would not get better men than \$2,000.

Mr. SHERMAN.—I would prefer to see it \$2,500.

Commissioner WILLIAMS.—In that connection it would be well, perhaps, if the Commission should bear in mind that the assistant factory inspectors we now have receive \$2,400.

Chairman WAINWRIGHT.—We will now take up section 79, which relates to "Inclosure and operation of elevators and hoisting shafts; inspection." Have you anything to suggest with reference to section 79?

Commissioner WILLIAMS.—I have not thought of anything special to recommend with reference to section 79. It seems to be operating fairly satisfactorily in the factories to-day. Suggestions have been made to amend this section so as to require the installation of automatic devices. On more than one occasion I have felt constrained to oppose such amendments, for the simple reason that they seemed to contemplate the use of a special patented device, and it has been my policy to steer clear of any provision in the law which would impose upon our department the obligation of compelling the use of an article which might enhance — I mean, which action might enhance the value of something already on the market.

Assemblyman PHILLIPS.—Of course we have had testimony from manufacturers appearing before us that this ought to be considered. They say that if the thing is necessary it should be done even if it should bring about the sale of something.

Commissioner WILLIAMS.—Mr. Phillips, that is all very well for a manufacturer on the outside. He can say that, but the administrative officer who is responsible for the enforcement of law is placed in a very embarrassing position.

Chairman WAINWRIGHT.—Let me ask this: This endows the Commissioner with certain powers with regard to these things. Would it be possible to write into the law something with regard to safety devices for elevators similar to what they have in the law of other States, for example, in the law of Pennsylvania? It would then be a matter of substantive law and not a question of discretion with anybody.

Commissioner WILLIAMS.—If that could be done it would ensure greater safety.

Chairman WAINWRIGHT.—Do accidents with regard to elevators occur with sufficient frequency to make this question one of serious concern?

Miss EASTMAN.—They do occur, of course.

Mr. SHERMAN.—I think that is true.

Miss EASTMAN.—I would like to say that this section, as I read it, applies to elevators, except passenger elevators. Now, the law in Pennsylvania, and in some other States, which has been so favorably commented on, does apply, as I understand it, to passenger elevators, and the law of Pennsylvania simply requires that an automatic locking device shall be required on all passenger elevators, which prevents the elevator from moving up or down while the gates or doors are open. Now, I understand there are many devices, not one which meet that requirement, and I cannot see why we should not have such a law for passenger elevators in that respect in New York State as they have in other States.

Commissioner WILLIAMS.—But you should bear in mind that there are not many so-called passenger elevators in factory buildings.

Miss EASTMAN.—I understand that, and the question I think we have to consider is, under whose jurisdiction would the enforcing of this law come? Of course, in all mercantile establishments, such as department stores, it would come under your jurisdiction, would it not?

Commissioner WILLIAMS.—No. You will not find anything in our mercantile law with reference to elevators.

Miss EASTMAN.—But suppose we should

pass a passenger elevator law similar to the one in Pennsylvania, we could expressly put the passenger elevators in mercantile establishments under your jurisdiction?

Assemblyman PHILLIPS.—No, because they are used to carry up customers.

Chairman WAINWRIGHT.—Mr. Phillips, how many do your statistics show are killed in elevator accidents?

Assemblyman PHILLIPS.—In the four years there have been 1,108 accidents and 106 deaths. About ten per cent. of the accidents were fatal. That is, in factories alone. There is one question, whether or not this law could not be written as near as possible like the Scaffolding Law, so as to make the requirement mandatory and not dependent on the order of the Commissioner.

Commissioner WILLIAMS.—I think that might relieve us of the responsibility.

Assemblyman PHILLIPS.—And then, too, the Labor Law fixes the responsibility of the employer for an accident, and the Labor Law requires him to guard his elevator, and where he does not and an accident occurs there is a presumption of negligence. There is no question but what elevators are in more or less bad shape in factories, and they ought not to have to wait for an inspection and order from the Labor Department. The condition of the elevator may change frequently, with regard to their railings and things of that kind. They may get out of order and not be used. They are more apt to change those than they are the machines, are they not?

Commissioner WILLIAMS.—Many of them are simply guarded by a moveable railing across the opening.

Assemblyman PHILLIPS.—They might be all right when the inspector is there, and then wrong again very soon.

Commissioner WILLIAMS.—In some instances our inspectors have found the rail taken out of its position, and set up against the partition.

Assemblyman PHILLIPS.—If that were to read that they should be substantially enclosed, taking out the provision that it shall be dependent on the order of the Commissioner, would not that serve the purpose?

Chairman WAINWRIGHT.—Why should not that be done?

Commissioner WILLIAMS.—It would be entirely satisfactory to us to have the law amended so as to place upon the owner the obligation of doing this, without waiting for a notice from the Commissioner of Labor.

Assemblyman PHILLIPS.—So then your work would be to see that he has done it?

Commissioner WILLIAMS.—I think that would be an excellent amendment to the law.

Chairman WAINWRIGHT.—Referring to the last sentence of that paragraph, 79, with regard to the inspection of cable, gearing, or other apparatus of elevators in factories—how much inspection do you give such gearing and apparatus?

Commissioner WILLIAMS.—Very little.

Mr. SHERMAN.—Have you any competent men to do that?

Commissioner WILLIAMS.—No, we have not.

Chairman WAINWRIGHT.—Is that the amendment that was made in 1909 to that law?

Commissioner WILLIAMS.—There was no amendment in 1909, was there?

Chairman WAINWRIGHT.—Yes. Have you anything further to say to us upon that subject, or has anybody any question to ask, either of Commissioner Williams or of Mr. Sherman, with regard to the duty of inspection of cable, gearing, and other apparatus of factory elevators?

Mr. SHERMAN.—That is inspected in this city, is it not, by the Building Department?

Commissioner WILLIAMS.—Yes.

Mr. SHERMAN.—Throughout the State I do not know that there are many factory inspectors competent to inspect cable and gearing, as to the proper strength for the elevator. That is an engineering question, and there is no engineer in this department at all.

Chairman WAINWRIGHT.—Have you any suggestion to make as to how we could secure suitable inspection, provided we think it is an important subject?

Mr. SHERMAN.—I do not know that that particular point is so very important. I think those elevators are generally inspected by the casualty companies.

Chairman WAINWRIGHT.—In other words, practically the sole inspection they get is from the casualty companies in cases where the owners happen to be covered by insurance?

Commissioner WILLIAMS.—Unless the elevator or its mechanism, I mean the car or its mechanism, or any of its parts, are obviously in a dangerous condition. Then our inspectors issue certain orders.

Chairman WAINWRIGHT.—How well is the law observed with regard to these automatic doors on factory elevator ways?

Commissioner WILLIAMS.—Fairly well. Those referred to are automatic trap doors, that is what they are virtually.

Chairman WAINWRIGHT.—Securing compliance with that is another matter of inspection?

Commissioner WILLIAMS.—Precisely.

Chairman WAINWRIGHT.—Is there any further question with regard to section 79, or any subject which is suggested by section 79, that any Commissioner wishes to refer to?

Assemblyman PHILLIPS.—Would the condition arise sometimes where the Commissioner of Labor ought to have power to require an elevator man to be placed on the elevator, in sole charge of that, or is that going too far?

Commissioner WILLIAMS.—I don't know as to that.

Assemblyman PHILLIPS.—So that it will be against the rules for anyone else to operate it?

Commissioner WILLIAMS.—I think that might be taken as falling within the general powers, if the recommendation that I understand the Commission is contemplating is adopted.

Chairman WAINWRIGHT.—We will pass on to section 80, "Stairs and doors." Commissioner, have you any suggestions or recommendations to make with regard to the subject-matter of that section, or any amendments to suggest? And will you also tell us how well the provisions of the law embodied in that section are observed, in your judgment?

Commissioner WILLIAMS.—I do not think I have any suggestions to offer with reference to this. The amendment of last year has been causing us considerable trouble.

Chairman WAINWRIGHT.—What was the amendment of last year?

Commissioner WILLIAMS.—"No door, window, or other opening on any floor of any such factory shall be obstructed by stationary metal bars, grating or wire mesh. Any metal bars, grating or wire mesh provided for any such doors, windows, or openings, shall be so constructed as to be readily movable or removable from the interior in such a manner as to afford the free and unobstructed use of such doors, windows or openings for purposes of egress, in case of need."

Chairman WAINWRIGHT.—That is a matter of egress in case of fire, is it not?

Commissioner WILLIAMS.—Yes, sir.

Miss EASTMAN.—I would like to ask if the covering of stairs with rubber is not a little out of date? Isn't rubber a poor kind of material for that purpose now?

Commissioner WILLIAMS.—The provision is practically obsolete, and very seldom is it observed.

Miss EASTMAN.—Would a provision, not leaving it in the discretion of the Commissioner, but just a straight provision that stairs in factories should be covered with

this new kind of material, be a good thing? Would that be a good provision, that they should be covered with some sort of tread that would make them safe, or would you like that amended so as to strike that out entirely? There is no sense in having it in there if it does not mean anything.

Mr. SHERMAN.—I would suggest in regard to the first part of this section, that it nowhere gives the Commissioner of Labor express authority to require that the steps or stairs shall be properly safe. He has exercised that authority and he has been obeyed, but he cannot find any authority in the section.

Chairman WAINWRIGHT.—What amendment does that suggest, Mr. Sherman?

Mr. SHERMAN.—Well, I think that provision about rubber, securely fastened, should go out, and the provision should be that the steps of such stairs shall be so constructed as to be in every way safe, leaving the method as a question of fact. In many of the old buildings the treads are worn out so that they are in very bad condition, and the inspectors ordinarily order those steps to be fixed up, made flat and carried out properly. These orders are generally obeyed, but sometimes with a good deal of resistance. I remember once I went down to see some stairs, and I fell down the stairs myself, and then the order was obeyed, on the strength of blackmail by me. I do not think this provision is clear enough.

Commissioner WILLIAMS.—I quite agree with you. Mr. Sherman's criticism is that of the lawyer. We have been requiring them to put in new treads, and they generally comply, but it might be well to amend the law so as to make our authority to require them perfectly clear.

Chairman WAINWRIGHT.—Is there anything further with regard to section 80? If not, we will take up section 81, "Protection of employees operating machinery." This section requires the owner or person in charge, in the discretion of the Commissioner, to provide a variety of safety devices with regard to machinery. I hope we shall have some suggestions from you on this section, Mr. Commissioner. The importance of it has been impressed upon the Commission by its visits to factories and by the evidence that is already before it.

Commissioner WILLIAMS.—The power conferred on the Commissioner of Labor by section 81 is very broad. You will note there in the third clause, that "All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded." The powers there are very

broad. It has occurred to me quite frequently that this section is defective in the first place with reference to the transmission of power. It says, "The owner or person in charge of a factory where machinery is used shall provide, in the discretion of the Commissioner of Labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys."

Chairman WAINWRIGHT.—Should that be changed, or is there any modification of it which you or any commissioner can think of?

Senator PLATT.—That is generally carried out now, is it not?

Commissioner WILLIAMS.—Fairly well. We have had some difficulty where we required belt shifters to be provided. We have been met with the contention or claim, "Why, these machines have been used in this condition for twenty or twenty-five years, the men have been shifting the belts by hand, sometimes with a stick of wood, or by some other method, and no one has ever been injured." But, we have taken the ground, and we are insisting upon it of late, that to shift a belt, even on a slow moving pulley, is rather dangerous unless it be by means of a contrivance designed for that purpose. I have in my mind particularly now the matter of shifting the belts from a tight to a loose pulley on textile machinery.

Senator PLATT.—That is rapidly moving machinery, is it not?

Commissioner WILLIAMS.—No, the machine that is now in my mind does not revolve very rapidly. I am speaking of the carding machine. I considered the necessity for belt shifters for this type of machine some years ago, when I was chief inspector, and I met with considerable difficulty. I went into one large mill where they were using a very large number of machines, met the general superintendent, and he insisted that it was not practicable to equip them with belt shifters, and insisted also that there was no danger. He sent for his master mechanic, and we had the master mechanic, the general superintendent, and the card tender, the operator who ran the machine, and both the master mechanic and the card tender supported the view of the general manager that the machine was not dangerous, that a man could not be seriously injured if his hand was caught and traveled around the pulley with the belts. I was not entirely satisfied; I had a pencil in my hand and I said, "Let us see what will happen." I held the pencil on the underside of the belt as it traveled in the direction of the pulley, holding it prob-

ably two feet away from the pulley. What I expected to happen actually happened. When the lacing of the belt struck the pencil it snapped out of my hand and it went around the pulley, and we never saw it again. I turned around to them and asked them what they thought of it. The superintendent turned to his master mechanic and said, "Can you put a belt shifter on that?" He said he didn't know. I pointed out to him where he could bolt the shifter to the frame of the machine, and they said they would try one. They did so, and it worked so satisfactorily that after that they said they would equip all of their carding machines with belt shifters. We have been gradually working upon that subject, and we are issuing orders with respect to this type of machine, and one concern in Utica, within the last eighteen months, ordered \$1,000 worth of belt shifters for carding machines alone. They cost \$2.50 a piece and can be attached to the machine with clamps. So I think that satisfactory results can be obtained under that first clause without any change.

Chairman WAINWRIGHT.—Has any commissioner any suggestion that he wishes to make? If not, we will pass to the next clause.

Commissioner WILLIAMS (reading).—"Whenever practicable, all machinery shall be provided with loose pulleys."

Chairman WAINWRIGHT.—How about that?

Commissioner WILLIAMS.—This practically obtains now. There are not many machines operating without loose pulleys. Occasionally we find them, and wherever it is practicable we compel the installation of a loose pulley on the shaft.

Chairman WAINWRIGHT (reading).—"All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded."

Commissioner WILLIAMS.—I think that is broad enough as it stands.

Chairman WAINWRIGHT.—It is broad enough to cover almost anything, isn't it? Is it too broad? Might it not be amplified by some provision that the Commissioner shall see that this shall be carried out?

Senator PLATT.—It is the fact, isn't it Commissioner, that you can require the putting in of any kind of a guard under that provision?

Commissioner WILLIAMS.—"Shall be properly guarded" is the language of the statute.

Chairman WAINWRIGHT.—That is broad enough to cover any kind of machinery, is it not?

Commissioner WILLIAMS.—Any type of machine, yes, sir. I have been impressed for some time with the thought that we ought to include in the sentence or clause the term "emery wheels."

Senator PLATT.—On the theory that the wheel itself might not be called machinery?

Commissioner WILLIAMS.—The wheel itself is the cutting tool. It is a part of the machine only while it is attached, and they change their wheels. The machine itself is the frame and the arbor and the pulleys. The wheel is a detachable tool, and I am not sure but that the question might arise as to whether or not the wheel itself was a machine. Do you not think it would be well to insert "emery wheels" in that clause?

Assemblyman JACKSON.—Is not that covered on the next page where it refers to grinding wheels?

Commissioner WILLIAMS.—That relates to an entirely different matter.

Senator PLATT.—Why is not an emery wheel just as much a part of the machine as the knife on a planer?

Commissioner WILLIAMS.—Perhaps it is.

Senator PLATT.—Perhaps the words "of every description," or "appliances connected therewith," or "appliances and tools connected therewith," similar to the word appurtenances in real estate, might be added.

Commissioner WILLIAMS.—In this clause the Legislature has particularized. A gear is just as much a part of the machine, and still it is specified. A saw is a part of the machine—it is the cutting tool on the machine, and still it is mentioned specifically.

Senator PLATT.—It gives a good chance to say that by particularizing these things it implies that they are not parts of the machine.

Mr. SEAGER.—There is great doubt about the ability to guard them adequately, is there not?

Commissioner WILLIAMS.—There is no doubt but that it is difficult to guard an emery wheel, but there is to-day on the market a type of emery wheel that, even though a fracture of the wheel happens, the pieces will not fly out, the convex wheel, with a concave clamp or steel washer on both sides.

Chairman WAINWRIGHT.—What do your figures show, Mr. Phillips, as to accidents by emery wheels?

Assemblyman PHILLIPS.—Struck by fragments of emery wheels, 905; two fractures, 113, probably permanent injuries, besides 7 fingers destroyed, 12 eyes, 1 internal injury and 11 deaths.

Commissioner WILLIAMS (reading).—"No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced."

Chairman WAINWRIGHT.—Could any provision of law be broader than that with regard to the use of safeguards?

Commissioner WILLIAMS.—I don't think so.

Chairman WAINWRIGHT.—In other words, what more could you do by legislation than is contained in that paragraph?

Mr. PHILLIPS.—It says "No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use." Now, the saw guards are generally removed while the saw is not in use, after they have got through with the operation, or before they commenced it, and it is left off when they do resume operations. The law does not seem to cover that kind of a removal of guard.

Chairman WAINWRIGHT.—We will leave it to Mr. Phillips to suggest an amendment to that section.

Commissioner WILLIAMS.—That depends on what Mr. Phillips' understanding is as to what is meant by the short sentence, "While the same are in use." Now, a machine table is in use the minute the operator gets to it and begins to adjust his fence properly to use it.

Assemblyman PHILLIPS.—Yes, but this, for the purpose of its enforcement, it to be strictly construed, as it amounts to a misdemeanor.

Commissioner WILLIAMS.—Yes, that is so, but the machinery is in use the minute the operator goes and begins to work on it.

Assemblyman PHILLIPS.—But suppose he goes there in the morning and takes the saw guard and pushes it to one side and walks away and the saw is not in use, and then later in the day some one commences to use it without replacing the guard?

Commissioner WILLIAMS.—I dislike to argue, but I cannot agree with Mr. Phillips' view at all on that question, for here is the provision that relates to the subject after all: "All vats, pans, saws, planers, cogs, bearing, belting, shafting, setscrews and machinery, of every description, shall be properly guarded." That means that they cannot be used unless they are guarded. A person who starts to use a machine that is unguarded, either himself commits a misdemeanor or he makes the employer liable for a misdemeanor.

Assemblyman PHILLIPS.—Take the language, "No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans." Now, of what use are the words that follow, "where the same are in use," unless to limit that general provision? Are not the words, "while the same are in use," unnecessary?

Chairman WAINWRIGHT.—Your suggestion is to strike that out? We will pass on to the next clause: "All grinding, polishing or buffing wheels used in the course of the manufacture of articles of the baser metals shall be equipped with proper hoods and pipes, and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove all matter thrown off such wheels in the course of their use." Is there any suggestion as to that provision?

Commissioner WILLIAMS.—No change is necessary in my opinion. That was amended last year, and it works to perfection.

Assemblyman PHILLIPS.—That amendment works all right?

Commissioner WILLIAMS.—It works to perfection.

Chairman WAINWRIGHT.—Just one question with regard to that. Might that provision of law be extended to the grinding or polishing of other materials except the baser metals?

Assemblyman PHILLIPS.—It takes in all dust-creating industries.

Chairman WAINWRIGHT.—Does that cover work in quarries or stone-cutting?

Commissioner WILLIAMS.—The next clause of the law covers all dust-creating industries.

Chairman WAINWRIGHT.—Then there is nothing more to be said about that. We will take up the next clause: "Such fan shall be kept running constantly while such grinding, polishing or buffing wheels are in operation, except that in case of wet grinding it is unnecessary to comply with this provision." Have you any suggestion to make as to that provision?

Commissioner WILLIAMS.—I have not.

Chairman WAINWRIGHT.—We will take up the next: "All machinery creating dust or impurities shall be equipped with proper hoods and pipes, and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use, except where, in case of wood-working machinery, the Commissioner of Labor, after first making and filing in the public records of his office a written statement of the reasons therefor, shall decide that it is un-

necessary for the health and welfare of the operatives." Should that be modified?

Commissioner WILLIAMS.—I do not think we need to change that.

Chairman WAINWRIGHT.—Does that cover outdoor work as well as indoor work?

Commissioner WILLIAMS.—No. This law relates to factories, and if the premises is included in the factory, or subject to the provisions of the law, this applies.

Chairman WAINWRIGHT.—Don't they have machines in quarries for polishing or cutting stone that create a great deal of dust and which are equally injurious?

Commissioner WILLIAMS.—A quarry is not a factory. A stone-cutting yard is a factory.

Chairman WAINWRIGHT.—You have same jurisdiction over quarries, haven't you?

Commissioner WILLIAMS.—We inspect them for safety of the quarry men and the miners.

Chairman WAINWRIGHT.—Is there any provision in the law which relates to the dust created in quarries?

Mr. SEAGER.—That is not needed, is it?

Commissioner WILLIAMS.—I do not feel that it is needed.

Chairman WAINWRIGHT.—Well, we will go on: "If a machine, or any part thereof, is in a dangerous condition or is not properly guarded the use thereof may be prohibited by the Commissioner of Labor and a notice to that effect shall be attached thereto." Is there any suggestion to make with regard to that?

Commissioner WILLIAMS.—I have no suggestion.

Chairman WAINWRIGHT.—That is about as broad as any delegated power could be made.

Senator PLATT.—Why should you not say, "The use thereof shall be prohibited by the Commissioner of Labor?" If it is in a dangerous condition, why should it not be positively prohibited?

Chairman WAINWRIGHT.—Your suggestion is that the words should be "shall be prohibited" instead of "may be prohibited?"

Senator PLATT.—Yes.

Commissioner WILLIAMS.—I would object to that, for that would place upon the Commissioner of Labor the necessity of a close, minute examination of every machine in order to comply with the provision if it were made mandatory.

Chairman WAINWRIGHT.—Well, Mr. Commissioner, let us look at it this way: This question would not come up unless you found it was dangerous and was not guarded. Now, if you found it dangerous

and not guarded, why should it not, then, become a positive duty of the part of the manufacturer to make it safe?

Mr. SEAGER.—That would go very far in connection with guarding. It has been brought out that there are plants in process of getting their machinery guarded, but it takes a good deal of time. If the Commissioner were compelled to go to the General Electric Company and tag all their machinery that was not properly guarded, I think it would be going rather far.

Assemblyman PHILLIPS.—Suppose it should read that if a machine is in a dangerous condition and the attention of the Commissioner is directed thereto, or if found in a dangerous condition?

Mr. SHERMAN.—It seems to me the trouble is this: The Commissioner of Labor goes around and issues a thousand orders every month or two guard dangerous machinery and does not tag them, and wait on the ground until they are guarded to take off the tag. This would mean that a factory inspector would give his order and pass on, he would have to stop that machine. It should be excessively dangerous before he does that.

Commissioner WILLIAMS.—That is my feeling, and I feel that this power should only be exercised in cases where a manufacturer refuses to comply with the order.

Mr. SEAGER.—Do you sometimes proceed along this line?

Commissioner WILLIAMS.—Not very often.

Mr. SEAGER.—Do you use it at all?

Commissioner WILLIAMS.—In rare instances, yes.

Chairman WAINWRIGHT.—What we are intending to do is to accomplish a result, that is, to permit no machine to be dangerous to life and limb.

Senator PLATT.—The commissioner would not issue this order unless the machine was extremely dangerous, and if it were an extremely dangerous machine, why should not the use of it be prohibited until it could be properly guarded?

Chairman WAINWRIGHT.—I think we have the point before us, and we can consider it later. It is an important point that you have made, Senator. We will now take up the next clause: "When in the opinion of the Commissioner of Labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted, and in cities of the first class, if deemed necessary by the Commissioner of Labor, a proper light shall be kept burning by the owner or lessee in the public hallways near the stairs upon the entrance floor and upon the other floors on

every work day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary."

Senator PLATT.—How generally is that carried out?

Commissioner WILLIAMS.—It seems to me it might well be amended by striking out the words, "in cities of the first class." To be frank about it, I have never been able to satisfy myself as to the reasons for limiting its application in that way.

Chairman WAINWRIGHT.—The commissioner's suggestion is that the words, "in cities of the first class," should be stricken out, so as to make it apply in all cases.

Commissioner WILLIAMS.—There are tenement factory buildings in cities of the second class, and I think the provision should be amended. There are dark hallways, and dark stairways, in many factory buildings up the State, and we should have the power to compel them to provide artificial light when necessary, and that is all this would do if you struck out these words.

Mr. SEAGER.—How about the last sentence in that section—is not that rather onerous?

Commissioner WILLIAMS.—That is a very important clause.

Chairman WAINWRIGHT.—It says, "Such light shall be independent of the motive power of such factory."

Commissioner WILLIAMS.—If the motive power of the plant is electric, the system of lighting should be on an entirely independent line, so that in the event of something happening to the power transmission line after dark, a panic will not ensue.

Chairman WAINWRIGHT.—Then you think that should remain as it is?

Commissioner WILLIAMS.—It should.

Mr. SEAGER.—I was thinking about it from the point of view of fire insurance. Suppose the motive power is electric, would that imply that the light should be gas or oil?

Commissioner WILLIAMS.—No, simply an independent source of power. I think that in section 83, or in some new section, a provision should be made relating to the use of electric current for power and light. We have no provision under which we could require the use of ordinary safeguards around electric switches, nor dynamos or cables, nothing in the law with regard to electricity, and the dangers attendant upon its use. I think it would be well for the Commission to study rather closely the provisions incorporated in the British

factory acts, or their regulations. You will find it in one or the other.

Chairman WAINWRIGHT.—Respectfully referred to the Committee on Causes and Prevention, for its attention. Now, have you any suggestions to make as to the inclusion in section 81 of any further provisions of a kindred nature to those contained there?

Commissioner WILLIAMS.—Regarding the transmission of power. There is nothing in the present law under which we could require the installation of friction clutches where the power is extended from one line to another. My idea is that we ought to be able to compel the installation of such devices, so that in the event of an accident upon one of the upper floors of a factory, or in an extension of a factory, the connection between the line shaft and the main drive can be cut off without communicating with the engine room, or in other words, without stopping the entire plant. There is nothing in the law to-day under which we could require the installation of such a device. You will get in the Illinois law a pretty fair illustration of what I have in mind. I think you might perhaps be able to draft something a little more simple.

Chairman WAINWRIGHT.—Is there anything further on that subject, Commissioner?

Commissioner WILLIAMS.—I think not.

Chairman WAINWRIGHT.—If, upon reflection, you have any suggestions to make for including any other subject in that section, let us have them, please. Now, has anybody anything further to say with regard to section 81? If not, we will take up section 82, "Fire escapes." That is a very important subject with regard to accidents. Is there anything to be said about section 82?

Commissioner WILLIAMS.—Not so far as we are concerned.

Chairman WAINWRIGHT.—Generally speaking, have you any suggestions to make regarding safety in the case of fire?

Commissioner WILLIAMS.—Yes. There is a bill now before the Legislature which provides for fire drills, and while I have not examined the bill, I am informed that it places the enforcement of this provision upon our department. If it is deemed expedient or necessary to provide for the establishment of fire drills in factories, I do not believe that the administration of such a law should be committed to the Department of Labor. It should properly, and in my opinion does, belong to the fire department. Speaking right upon that line I think that it might be very helpful to the fire department in the various communities

of the State, for it would enable them to familiarize themselves with the layout of these buildings, and enable them not only to insure greater safety of employees, but the more effectively to fight fires if they break out in such buildings.

Mr. SEAGER.—Mr. Commissioner, would not that involve a great deal of duplication? Your inspectors visit the factories, and can ask with comparative ease whether they have fire drills, and call their attention to the provisions of the law, et cetera. The fire departments are not equipped to send inspectors to supervise a thing of that sort.

Commissioner WILLIAMS.—I believe that a law prescribing fire drills, to be worth anything, should impose upon some person or some authority the duty of using that authority to see how they organize their drills, and to instruct them. A mere question as to whether they have a fire drill or not, means absolutely nothing, it seems to me. You have got to have someone who is qualified to tell them how to organize their drills, someone who can give his time to the work, to work out the problem, and who can instruct them and test them occasionally.

Mr. SMITH.—What would you think in a case like this: The way we are situated, we figure that we have got as good a fire department as any city's fire department. Now we might not like to have someone less competent than we are ourselves to come in and try to have us establish what they consider proper arrangements, and which we might not so consider.

Mr. SEAGER.—Is this bill that you referred to, limited to plants employing more than a certain number of hands?

Commissioner WILLIAMS.—I have not examined the bill, Professor. I have had my attention called to it, and its provisions were explained to me rather roughly.

Chairman WAINWRIGHT.—Now, Commissioner, is there anything further that you have to say with regard to safety in cases of fire?

Commissioner WILLIAMS.—I think section 82 might be amended so as to enable us to require factory owners to put up signs designating the exits. What do you think of that, Mr. Sherman?

Mr. SHERMAN.—I think so. You have got them to do that in some places, haven't you?

Commissioner WILLIAMS.—Oh, yes; we have succeeded by moral suasion, but I think we should have the power to enforce such requirements.

Chairman WAINWRIGHT.—Is there anything else? I would like to ask you, Mr.

Sherman, with regard to section 81, if you have anything further to suggest?

Mr. SHERMAN.—I have nothing further than where I have interrupted. (To Commissioner Williams): You do not enforce this in New York City, do you?

Commissioner WILLIAMS.—No, we cannot.

Mr. SHERMAN.—It seems to me that you should have the power to do it. The Bureau of Buildings doesn't do it, does it?

Commissioner WILLIAMS.—Yes, under the decision of the Appellate Division.

Mr. SHERMAN.—They generally carry out your recommendations, do they not?

Commissioner WILLIAMS.—Yes, we perform a duty somewhat extra legal. When our inspectors observe conditions which, in their opinion, render the erection of a fire escape necessary, they report to us in the same manner as though we had authority. Then we communicate with the Superintendent of Buildings and advise him that our inspector on a certain day visited a certain building and recommends the erection of fire escapes. Those communications are referred by him to his inspectors, and in a very large number of cases, in a majority of cases, the inspectors of the Building Department have sustained the conclusions of our inspectors, and they compel the erection of fire escapes.

Mr. SHERMAN.—Do you think that covers the subject sufficiently?

Commissioner WILLIAMS.—Well, I don't know. I hardly think that it does, for we often do receive advice that inspectors of the Building Department disagree with the conclusions of our inspectors, in which event nothing is done.

Mr. SHERMAN.—My objection to that is that the inspectors of the Building Department rather consider the building itself, somewhat regardless of the conditions of occupancy, and somewhat regardless of the shape and manner of the exits, and do not regard it sufficiently as a factory problem according to the conditions that may exist at the time of the inspection, and it seems to me that it would be perfectly legitimate to give the factory inspectors supplementary power in case of disagreement, to go ahead and enforce their orders.

Senator PLATT.—Don't you think that would take the time of too many inspectors?

Commissioner WILLIAMS.—No; the regular factory inspector would discover that in the course of his work.

Chairman WAINWRIGHT.—What is your concrete proposition?

Mr. SHERMAN.—My concrete proposition is that the Department of Labor be

given authority to enforce the provisions of sections 82 and 83 in the city of New York.

Chairman WAINWRIGHT.—Has anybody any comments to make upon that, or any further questions with regard to that subject?

Mr. SEAGER.—Of course, that divides responsibility again. We were discussing that this morning. One authority would be under the temptation to take refuge by putting it up to the other authority, whereas now it is squarely up to the Building Department.

Commissioner WILLIAMS.—Would it not be well to put in a provision that we should have exclusive jurisdiction over fire escapes in this city on factory buildings?

Mr. SHERMAN.—Hardly. I do not see any objection to giving the factory bureau jurisdiction where there is a factory, in addition to the jurisdiction the Building Department has over all buildings. The trouble now is the factory inspectors get the abuse every time an accident happens, by anybody reading this law. You will see it in the paper about once a month, that factory inspector so-and-so went through that building a month before, and didn't do anything. If you are going to be held to public responsibility, you should have some authority.

Chairman WAINWRIGHT.—Do you concur in that, Commissioner Williams?

Commissioner WILLIAMS.—I do.

Chairman WAINWRIGHT.—There is nothing in section 83, is there, besides what we have discussed?

Commissioner WILLIAMS.—I just mentioned the matter of giving us authority to require them to post up signs showing the exits, in case of fire.

Chairman WAINWRIGHT.—Should not the law also prescribe that you shall have the power to require that they shall have proper exits in case of fire?

Commissioner WILLIAMS.—I think it would be well to have a provision under which we could compel them to maintain free and unobstructed exits.

Chairman WAINWRIGHT.—Is it not a question of where those exits should be located?

Commissioner SHERMAN.—What I had in mind is this: A factory may be on the fourth floor of a building, and the exit may be at the back of the building, and it is wide enough for three or four people to go abreast. Then, it turns a corner or runs into a place where they have put out a bench or something of that kind, and narrows down so that only two can go abreast. You will have a panic, a lot of girls will go

down those stairs four abreast, and then run into this narrow place, and trip and fall over each other, and you may have no fire at all, and yet four or five people are badly injured.

Chairman WAINWRIGHT.—Why is not that a matter of maintaining proper and unobstructed exits, which I should assume would involve also the question of the proper location of those exits? What could be more important than that in case of fire, exits properly located, and of proper size, etc.? Does the law cover that to-day?

Commissioner WILLIAMS.—No, it does not.

Senator PLATT.—It should do it.

Commissioner WILLIAMS.—Section 83 might be amended so as to provide that.

Mr. SHERMAN.—The Commissioner of Labor has generally enforced that imaginary provision, has he not?

Commissioner WILLIAMS.—We have required them to remove machines which were placed in front of a window which was the fire exist.

Chairman WAINWRIGHT.—Should not that be a matter of law rather than a matter of imagination?

Assemblyman PHILLIPS.—In regard to section 81: Should we have anything in there in regard to placing the machinery, that it should be properly placed and spaced, or anything of that kind, for safety, leaving it to you to make rules and regulations to enforce that provision?

Commissioner WILLIAMS.—Is not that a subject that can be governed entirely by regulations?

Q. Assemblyman PHILLIPS.—Of course we might give you authority to make rules and to enforce the provisions of this law or to make rules and regulations covering the matters not touched upon in the Labor Law. In the latter case, your authority is broad enough. The law might provide that the machines should be properly spaced, and then leave it to you to enforce that regulation.

Mr. SHERMAN.—I think that would be a matter of judgment in every case.

Assemblyman PHILLIPS.—Should there not be a provision that they should be properly placed, leaving it to the Commissioner to say what is proper placing?

Chairman WAINWRIGHT.—When we get through with this, the Commissioner has some general observations to make to us upon a number of topics which are not included in this law. What we are doing to-day is to run through the law as it is.

Commissioner WILLIAMS.—If you could write in an elastic provision, it might be a good thing.

Assemblyman PHILLIPS.— Yes, to show that the Legislature intends to legislate on that subject.

Chairman WAINWRIGHT.— How about section 84, " Walls, ceilings, floors and receptacles?"

Assemblyman PHILLIPS.— Is section 84 sufficient with regard to cleaning up debris from the floors, et cetera?

Commissioner WILLIAMS.— That is as strong as I thought I ought to make it last year.

Mr. SEAGER.— Do you want anything in there about the proper piling of materials specifically? It seems to me it would be more important to pile the material properly than to get rid of the waste.

Commissioner WILLIAMS.— You want to consider that to regulate everything is clearly impossible. You cannot expect to have the Department of Labor look after the piling of raw material in every plant in the State. That is physically out of the question, it seems to me.

Mr. SEAGER.— All that was in my mind was that certain things are definitely specified here. It seems to me that this is rather more important than some of the things that are specified. The idea was to strengthen your hands if you run across a flagrant disregard of the safety of employees in connection with the piling of materials.

Commissioner WILLIAMS.— We are dealing with the inside of the plant. Material, as a rule, is piled on the outside.

Assemblyman PHILLIPS.— One thing, with regard to how far we should go in the Labor Law, how far we can go in giving you power to make rules and regulations. There is no question but what the Legislature can give an executive power to make rules and regulations to carry out the provisions of the statute, but it may be a question whether the Legislature can give you power to make rules and regulations covering matter not embraced in the statute. For that reason, it may be necessary for us to put in here at different places just a line to show that the Legislature requires a certain thing to be done, and then give you the power to make rules and regulations to cover that.

Commissioner WILLIAMS.— Could not the power be given in such a manner as to embrace the subject or subjects with respect to which you do clothe the Commissioner of Labor with power, both as to safety of employees and sanitary and hygienic conditions?

Assemblyman PHILLIPS.— What would you think, Mr. Sherman, as to a general power given to the Commissioner of Labor

to make rules and regulations for the safety of employees? Would not that be delegating legislative powers to the executive?

Mr. SHERMAN.— Perhaps it would.

Assemblyman PHILLIPS.— But we could prescribe certain things which we require to be done, and then give him power to make rules and regulations to enforce that law.

Mr. SHERMAN.— I think it might be well to give a blanket provision.

Chairman WAINWRIGHT.— I believe, where it is a question of safety of life and limb, you can delegate to the Commissioner of Labor power to make proper rules and regulations just as well as health officers have power to make rules governing the sanitation of towns and villages.

Mr. SHERMAN.— I think the way to go about that is this: Say that the Commissioner of Labor shall have power in any factory to require what is necessary for the safety of the employees therein. Then it comes up as a judicial question in the courts afterward, whether what the Commissioner of Labor demands is for their safety, so that if you get a clear case of danger not covered by your specific provisions, you can enforce it.

Assemblyman VOSS.— There is one thing I wanted to ask you in relation to section 79. There is no law in this State which gives you any jurisdiction over the inspection of passenger elevators in office buildings, or buildings in general. Don't you think that the law should be amended so that it would give you the right to inspect those elevators?

Commissioner WILLIAMS.— No, sir.

Assemblyman VOSS.— Do you think that the law should be amended so as to compel the use of locking devices for the protection of passengers and their safety in elevators in large office buildings?

Commissioner WILLIAMS.— If such a provision is necessary, it should be incorporated in some other law.

Assemblyman VOSS.— Why?

Commissioner WILLIAMS.— This is a law relating to the safety of persons in factory buildings, and why should you confuse it with provisions for buildings that are not used for factory purposes?

Assemblyman VOSS.— But you think such a law would be a good thing?

Commissioner WILLIAMS.— Certainly, anything that makes for the safety of human life.

Chairman WAINWRIGHT.— Now, section 85, " Size, of rooms." Is there anything there? Section 85, does that involve any question of safety? Does anybody think we should discuss eighty-five? How about

section 86, "Ventilation." That would occur to me as not being within our range.

Commissioner WILLIAMS.—If this Commission could settle the intricacies of the subject of ventilation, I would be very grateful. I may, however, suggest that the Commission cannot settle them.

Chairman WAINWRIGHT.—The question is, is it within the scope of our inquiry?

Commissioner WILLIAMS.—I don't think it is.

Chairman WAINWRIGHT.—Section 87, with relation to "Accidents to be reported," I think we had better consider very carefully. That involves the whole question of accident statistics that we all know is so important. Commissioner Williams, what have you to say with regard to section 87?

Commissioner WILLIAMS.—I think section 87 is working very satisfactorily.

Chairman WAINWRIGHT.—Is there no amendment to that to be suggested? Have you any suggestions, Mr. Sherman?

Mr. SHERMAN.—No.

Mr. SEAGER.—Do you want to include any other accidents that should be reported?

Commissioner WILLIAMS.—Not under this section. If anything should be added, it should be added in section 20-a.

Chairman WAINWRIGHT.—Is there anything further to be said with regard to section 87? If not, how about section 88, "Drinking water, wash-room and water-closets?"

Senator PLATT.—Now, under this section 88, I believe that something should be done to do away with the cups, the ordinary drinking-cups or glasses, in those places. I believe that the health of more people is ruined by that one thing in factories than any other thing. I believe they should have the individual cups, just the same as they have in the capitol, or in some of the railroads.

Commissioner WILLIAMS.—Is not that a matter that might more properly come under the head of industrial poisoning?

Chairman WAINWRIGHT.—If there are no further suggestions, we will proceed to section 90, "Inspection of factory buildings." It provides: "The commissioner of labor, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof, specifying the defects and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such re-

quirement he shall forfeit to the people of the State the sum of fifty dollars, to be recovered by the commissioner of labor in his name of office." Is not that a foolish provision, that a man for a failure to comply with that be subject to a fine of \$50? Isn't that a foolish proposition? This is a question of safety.

Mr. SEAGER.—Is not that rather a dead letter, Mr. Commissioner?

Commissioner WILLIAMS.—Not exactly. We have proceeded under that a few times since I have been connected with the service, but not many. The liability of the owner to the people who might be injured by his negligence, would seriously affect that question.

Chairman WAINWRIGHT.—This is a condition of danger, and we have to rely on the liability of the owner for civil damages. Why should not the State be able to go in and rectify it? What have you to say to that, Commissioner Sherman, what do you think of that?

Mr. SHERMAN.—Well, I don't know much about it. I don't like the remedy there much. Of course, it is not always directed against the operator of the factory, but against the owner, agent or lessee of the building. The occupier of the factory may go right on.

Mr. SEAGER.—Why is an exception made of New York and Brooklyn? That suggests that this is an old feature of the law.

Commissioner WILLIAMS.—It is virtually an obsolete provision.

Chairman WAINWRIGHT.—Does it not suggest an opportunity for improvement now?

Commissioner WILLIAMS.—To illustrate how important it is from the practical standpoint, I can tell you that in twelve years I have known of but three instances where this section was relied upon for any action by our Department, to make structures more safe. Only three times in twelve years.

Chairman WAINWRIGHT.—Do you mean to say that all the buildings you have inspected, with the exception of three instances, of the many thousands in this State, are all in such safe condition that you would not —

Commissioner WILLIAMS.—Oh, no! Bear in mind, Mr. Chairman, that this inspection under section 90 is never made, except upon request. The law provides for that. This relates to structural safety. I think I said there were three cases, but upon reflection I will say that there were four.

Chairman WAINWRIGHT.—Then neither of you two gentlemen consider that this is a subject of great importance?

Commissioner WILLIAMS.—I do not consider it of great importance.

Mr. SHERMAN.—But you would not strike it out?

Chairman WAINWRIGHT.—Would you leave the penalty at \$50?

Commissioner WILLIAMS.—It has been as effective up to this time as we could hope it will be in the future.

Chairman WAINWRIGHT.—We will take up section 91, "Inspection of boilers in factories." Does the law need any amendment in that regard? Haven't we had quite a good deal before us in that regard? I think we have had some suggestions along that line.

Mr. SEAGER.—We have had it suggested that in addition to the inspection of boilers, we should have an inspection of chains and flywheels.

Senator PLATT.—You consider that this section is sufficient?

Commissioner WILLIAMS.—It is not.

Mr. SEAGER.—Is not this a case where the inspection of insurance companies is so effective that the accidents through the bursting of boilers are comparatively rare? What do the figures show on that, Mr. Phillips?

Assemblyman PHILLIPS.—Two hundred and ninety-six accidents from explosions of boilers and steam pipes, and thirty-two deaths.

Chairman WAINWRIGHT.—Have you any any suggestion to make with regard to section 91?

Commissioner WILLIAMS.—Yes, I would suggest that the Commission look at the Massachusetts law with regard to the inspection of boilers, and see whether you do not think it should be made to apply here substantially?

Chairman WAINWRIGHT.—Do you look upon the Massachusetts law as a model law on that subject?

Commissioner WILLIAMS.—It is one of the best.

Assemblyman PHILLIPS.—And also on the question of licensing of engineers?

Commissioner WILLIAMS.—Yes, sir.

Assemblyman PHILLIPS.—The Massachusetts law is looked upon as a model for that, is it not?

Commissioner WILLIAMS.—Yes. It goes so far as to prescribe the method of boiler construction.

Senator PLATT.—As to seams, et cetera?

Chairman WAINWRIGHT.—Oh, that is just what I had in mind a moment ago. We had somebody before us who spoke on that subject.

Assemblyman JACKSON.—What licensing do you mean?

Commissioner WILLIAMS.—The licensing of stationary engineers.

Chairman WAINWRIGHT.—We can take for comparison with our law the Massachusetts law. We cannot do anything more about that subject this afternoon except to say that we will have a careful comparison of this provision with the Massachusetts law made.

Mr. SHERMAN.—I would like to have you look into the question of steam pipes also, to see whether this law covers steam pipes.

Chairman WAINWRIGHT.—What would you suggest?

Mr. SHERMAN.—That the Commission should have authority to enforce safety as regards steam pipes.

Assemblyman PHILLIPS.—While we are on that subject: Sometimes accidents happen because the fireman is temporarily absent from his boiler doing some other work. Should there be any regulation in regard to that, or would that be going too far?

Mr. SHERMAN.—I do not think he could enforce that.

Chairman WAINWRIGHT.—Is there anything more with regard to section 91? If not, we will pass to section 92, "Laundries."

Assemblyman PHILLIPS.—In connection with that, the question arises: Shall we include in that hotels, restaurants, hospitals, et cetera.

Commissioner WILLIAMS.—You should try.

Chairman WAINWRIGHT.—In other words, all plants, no matter what they are connected with, where people work under the same condition as they do in public laundries, should be brought under State inspection as to safety.

Mr. SHERMAN.—The trouble is they don't want all the other provisions of the factory laws to apply to domestic establishments.

Chairman WAINWRIGHT.—Then, both you and Commissioner Williams concur in this?

Mr. SHERMAN.—Yes, sir.

Commissioner WILLIAMS.—I think that for the same purpose that you propose to attempt to extend the safety provisions of the law to hotels and restaurants, they should be extended so as to cover laundries that are now operated in connection with charitable and semi-charitable institutions, wherever machinery is used.

Chairman WAINWRIGHT.—Let me ask you one general question: Is there any inspection for safety of State institutions, State charitable institutions?

Commissioner WILLIAMS.—I am not aware that there is.

Chairman WAINWRIGHT.—Do you mean to say that all the vast army of people employed by this State are not subject to any of the regulations of safety in those institutions?

Mr. SMITH.—We are willing to regulate everybody else, but we are not willing to regulate ourselves.

Commissioner WILLIAMS.—Let me suggest that you put a provision into the law that would make the factory law applicable to every branch of the manufacturing departments of our State institutions, except State prisons.

Chairman WAINWRIGHT.—Under section 93, there is apparently nothing.

Assemblyman PHILLIPS (to Commissioner Williams).—In section 93, do you want to add any machines to that?

Commissioner WILLIAMS.—I think not. The plan upon which the department is working with respect to that is this: We study the accident reports as they come to us from year to year, and as occasion seems to demand we add certain machines to the list. We added three or four last year, and I think that is better than if this Commission should attempt to do anything.

Chairman WAINWRIGHT.—Commissioner, I think there is only one other section, and that is the last clause in the book, that we need to call your attention to. It is section 1277.

Commissioner WILLIAMS.—The other

day, Mr. Chairman, speaking of this provision, I said that I thought the penalties were utterly inadequate.

Chairman WAINWRIGHT.—Now, first, Commissioner, the provision of law is all right, is it, or should we have anything else on that subject?

Commissioner WILLIAMS.—I think it is all right, but it occurs to me that you should recommend increasing the penalty.

Chairman WAINWRIGHT.—How much?

Commissioner WILLIAMS.—I think the minimum penalty should be fifty dollars and the maximum two hundred and fifty dollars.

Chairman WAINWRIGHT.—Why should not the commissioner have the right to go in and say, "Take the men off that floor until you put that in"?

Commissioner WILLIAMS.—You would have to put that in the law itself.

Chairman WAINWRIGHT.—What do you think of that general proposition? In place of having these fines, that the inspector should have the right to say, "All of you get out of this building until that floor is put in." I don't know whether the workmen would stand for it or not, but that is what should be done.

Senator PLATT.—I would suggest that the fine be made large enough so that it would amount to something.

Chairman WAINWRIGHT.—That seems to conclude our hearing for to-day.

Adjourned.

ALDERMANIC CHAMBER, CITY HALL,

NEW YORK, *March 4, 1911, 10 A. M.*

Public session of the Commission on Employers' Liability and Causes of Industrial Accidents, Unemployment and Lack of Farm Labor.

Senator J. MAYHEW WAINWRIGHT, *Chairman.*

Prof. HENRY R. SEAGER, *Vice-Chairman.*

Senator FRANK C. PLATT,

Assemblyman ALFRED D. LOWE,

Assemblyman GEORGE A. VOSS,

Assemblyman CYRUS W. PHILLIPS,

Mr. GEORGE W. SMITH,

Mr. JOHN MITCHELL,

Mr. GEORGE GILMOUR, *Consulting Mechanical Engineer, and*

Mr. JOSEPH P. COTTON, JR., *Counsel.*

Chairman WAINWRIGHT.—This will probably be the last public hearing which will be afforded by this Commission, and so far as we now know, it is the last hearing that we will hold, unless something may develop which shall necessitate further hearings. This particular meeting was called practically at the special request of a branch of the employees who felt that they had not had an opportunity to be heard at the hearing that we held some two weeks ago in the Metropolitan building, that is, the plasterers, but in addition to that I understand that there are other representatives of employees who have taken advantage of this hearing, and we have sent some special invitations to certain branches and classes of employees and employers.

Mr. C. T. RUSSELL (New York Telephone Company).—I would like to say that I appear simply in response to this invitation, addressed to the president of the company, but the New York Telephone Company does not feel that it is in the class of employers who are employing labor which is engaged in a dangerous occupation, and I am not prepared to give any testimony, as I only received this notice yesterday afternoon; but if there are any statistics in reference to the number of people we employ, and the character of accidents, or any other statistics we can give you, we will be glad to furnish to the Commission anything they may ask. If they will communicate with us, we will furnish it, but I have no suggestions to offer.

Chairman WAINWRIGHT.—Mr. Phillips, have we any statistics as to accidents to the telephone workers?

Assemblyman PHILLIPS (to Mr. Russell).—You report to the Public Service Commission, do you not?

Mr. RUSSELL.—Yes, they have certain jurisdiction over our facilities for the safeguarding of accidents.

Chairman WAINWRIGHT.—Are you able to state what particular attention your company gives to the prevention of accidents?

Mr. RUSSELL.—I am not. I know that it has been the effort of our plant department to protect our wires, which are low tension wires, from the high tension wires, and the only accidents we have of a serious character are those that arise from workmen coming in contact with high tension wires. We have endeavored right along so to protect our plant as to minimize those accidents, and as a matter of fact they are very few indeed.

Mr. S. M. WILLIAMS.—On behalf of the Western Union Telegraph Company, I would state that we feel that we are in the same class of employers of labor as the telephone company, that is, in the non-hazardous class, and I simply wish to repeat to the Commission the same offer, on behalf of the Western Union Telegraph Company, that Mr. Russell made on behalf of the telephone company. We will be glad to furnish to the Commission any statistics or information that the company has, which the Commission may desire to have.

Mr. COTTON.—In companies of this size, have you any systematic plan for looking out for accidents, any bureau that looks after it?

Mr. WILLIAMS.—We have practically no accidents.

Mr. COTTON.—You have no accidents, you think?

Mr. WILLIAMS.—Yes, sir.

Mr. COTTON.—At such accidents as there are, of what character are they?

Mr. WILLIAMS.—Such accidents as occur are very slight, trivial accidents,

occurring in the handling of heavy materials.

Mr. COTTON.—You mean by poles rolling on men, and that sort of thing?

Mr. WILLIAMS.—Yes, poles, or accidents in setting up poles.

Mr. COTTON.—And you do not have any accidents in regard to electric currents?

Mr. WILLIAMS.—We have no accidents from electric currents; we have had none in the State of New York for the past six months. I had the records searched for the last six months. There have been no accidents from electric currents for six months in the State of New York.

Mr. COTTON.—How large a force have you altogether employed in connection with electrical currents?

Mr. WILLIAMS.—The employees of the company in the State of New York number four thousand and seven hundred.

Mr. COTTON.—And only a small portion of those are actually engaged in handling poles and wires, I suppose.

Mr. WILLIAMS.—A very small proportion. The electric current used in telegraphing is of such low potentiality that no accident can occur from it.

Mr. SEAGER.—Except where your wires cross wires of a high tension current. You do have accidents of that kind, do you not?

Mr. WILLIAMS.—There have been such accidents, but not recently. Men sometimes fall from the poles and are injured in that way.

Assemblyman PHILLIPS.—You have no way of preventing that?

Mr. WILLIAMS.—We have no way of preventing that, because that is simply the man himself. That is manual labor, it has no connection with the electric current, or with any dangerous occupation.

Assemblyman PHILLIPS.—But it is dangerous in this, that you state that there is no injury from electric current, but that there are injuries from falling from poles, so that is the dangerous branch of your work?

Mr. WILLIAMS.—Yes, sir.

Assemblyman PHILLIPS.—Have you any methods of preventing or reducing the number of accidents of that kind?

Mr. WILLIAMS.—That is so much to the interest of the individual himself, that there is no method to adopt for preventing that. We find in practice that what few accidents have occurred, the larger percentage of them occurred on the ground, rather than in the air—in the loading and unloading of poles from the railroad cars.

Mr. COTTON.—That would be natural in the case of a man falling from a pole, that he should be injured on the ground,

Mr. WILLIAMS.—It is very seldom that a man falls from a pole.

Mr. GILMOUR.—In connection with subway work, do you have any accidents there?

Mr. WILLIAMS.—No, sir. The telegraph company does not use very much of this heavy cable wire that you see. Those are rather telephone wires. The telegraph company has relatively few wires, compared with the telephone wires.

Chairman WAINWRIGHT.—Do you know whether, as a matter of fact, the Public Service Commission, so far as you are familiar with the subject, has given any attention to the question of prevention of accidents, so far as your company is concerned?

Mr. WILLIAMS.—As the Public Service Commission has taken supervision over telegraph and telephone companies only in the past six months, the only requirement, to my knowledge, that they have made on the telegraph, is the reporting of accidents as they may occur.

Mr. THOMAS MCCOY.—I am not holding any office just at present, only I am sent out on a committee of our Local Union No. 20 of the outside electrical workers to come over here before this Legislative Committee. I drew up a little list of what we would call a pretty good idea for consideration in the State of New York, that is for the benefit of the men working in the class of work that we term line work. We would like to have it that the distance between pole pins, one on either side of the pole nearest to the pole—that the distance between pole pins on cross-arms should be not less than thirty-six inches, between the two pole pins. That would give a man a fairly good chance of getting up, without getting in contact with any wires. The second point is, that all electric and power lines of six hundred volts or over, be placed on red cross-arms of different colors, and all cross-arms of lines of less than six hundred volts, to be placed on the cross-arms of a different color, so that the high voltage line may be readily distinguished.

Mr. SEAGER.—Is there any such practice now? Is there any way of telling when you climb a pole, the character of the lines?

Mr. MCCOY.—That depends on how long you have been working for these companies. Some of them use a different system. The Edison people of Brooklyn have supplementary lines on the same poles with the high tension, within twenty inches, and when you stand on that arm, you are working on twenty-two hundred volts or more, and you are liable to come in contact with these low voltage lines, and cross yourself, and probably get killed. There are a lot

of poles where they have guys on them, and there is no insulation on the guys, and what they call a dead ground, and if you happen to touch them while you are working on the twenty-two hundred, it is a case where you don't come down alive, unless somebody clears you quick. On some of the lines where they are using a higher voltage than twenty-two hundred, they use a larger wire, and sometimes a larger insulator. The New York and Queens Light use a large insulator, and then sixty-six hundred volts on the top arm, then two of them, one on each side of the arm. There are three wires on either side of the arm. The next arm to that is twenty inches below, and there are twenty-two hundred volts on that, and often when you are working on the twenty-two hundred volts, you are liable to get crossed up with the sixty-six hundred. Under that there are arc wires, and during the day time, which is the time when the men are working, the arc lines are dead, but they have them grounded in the station, and if you happen to hit a bare spot on them while working on these high tension lines, that is practically where you get killed. There is no regular system now in force for indicating high tension currents.

Mr. SEAGER.—That would require the replacing of practically all the wires about the city, would it not?

Mr. MCCOY.—Well, not all of them. There are some of the lines that they have built that they built on the system in California. They have been doing this work in California, and they have been systematizing it all through that country out there, where they keep the high tension wires about forty or forty-eight inches above the twenty-two hundred lines and so on in that way, and a lot of these poles around here have attached telephone wires on them, on the same pole that the electric light wires are on, within a distance where a man might possibly hit them when he would be working on the others. The third suggestion is that there shall be a space of at least four feet between high and low voltage cross-arms. The fourth suggestion is that where a joint or party pole construction is used, the telephone, telegraph or signal wires, shall be at least eight feet beneath the lowest light or power wires.

Chairman WAINWRIGHT.—Do you know as a matter of fact whether this is a matter of regulation in California, or whether it is a matter of law?

Mr. MCCOY.—Around San Francisco I believe it is law, and they place a fine on any man that works on a pole where there is over five hundred volts, that is, if he

works alone. They have two men on every pole where there is five hundred volts or over. The men are fined, and the company is fined.

Mr. COTTON.—What is the point of having two men on the pole?

Mr. MCCOY.—If a man gets caught on it there is no chance of his being released unless there is somebody there to pull him clear quick.

Mr. MITCHELL.—At what point does it become dangerous—how many volts?

Mr. MCCOY.—Men have been killed with two hundred and twenty volts, but it is according to how they get it. They get a shock, and they fall. The majority of times the fall kills them, but a whole lot of people get burned up before they can be pulled clear.

Mr. COTTON.—Ordinarily a two hundred volt current, such as the telephone and telegraph wires carry, is not sufficient to kill by itself?

Mr. MCCOY.—Not unless it is crossed by high tension wires.

Mr. MITCHELL.—What is the voltage on the telegraph and telephone wires?

Mr. MCCOY.—One hundred and ten volts on the telephone, and one hundred and ten, and they step them up to four hundred and forty or five hundred on the telegraph wires.

Chairman WAINWRIGHT.—Would you agree with the gentleman who preceded you about the dangers to the telephone and telegraph linemen?

Mr. MCCOY.—No, sir, I would not. I think the telephone linemen take more chances than the electric light linemen. The fifth suggestion is that at all times telephone, telegraph or signal wires be at least eight feet below any light or power wires. The sixth suggestion is that no bracket be placed on any pole where any cross-arms are attached. The seventh suggestion is that all guy or stay wires have two strain insulators, one at either end. The eighth suggestion is that all ground wires leading down any pole to the ground shall have a wood or insulated covering. We feel that the above rules, if followed, would prevent numerous accidents which are caused by faulty construction.

Mr. GILMOUR.—Would not it add to the safety if the insulators could be colored, as well as the cross-arms? They are made of porcelain, or glass, and you can get various colors in them, as well as painting the cross-arms because the weather would sometimes take the color out of the wood.

Mr. MCCOY.—They used that system in Pittsburg for some time, but all the insulators got discolored on account of the smoke

and dirt around Pittsburg, and they could not use that system. They used a small red sign, one of these metallic signs, with a fancy covering on it of red, and they generally kept that clean.

Chairman WAINWRIGHT.—Mr. McCoy, you were present when the two last gentlemen told the Commission that there were no particular dangers connected with the linemen's work in telegraph and telephone companies, and that the accidents occurring in that work were very few. Does your judgment coincide with theirs on that subject?

Mr. MCCOY.—No, sir.

Chairman WAINWRIGHT.—Will you give us your views on that subject?

Mr. MCCOY.—These companies send out a lot of fellows who have never been on this work before, and they send them out with green men, or probably one or two experienced men in a gang of twenty men. In doing work of that kind, raising poles and setting them, and changing wires over, and all of that kind of thing, these inexperienced men sometimes let a pole fall where, if they had experienced men on that work, it would not happen. In changing over wires a lot of times these inexperienced men break them down, in the way they handle them, in changing from one pole to another. They don't use good judgment in taking the tie wires off.

Mr. MITCHELL.—Are they members of your organization?

Mr. MCCOY.—Not all of them, but some of them are. The Western Union Company does not care to hire any of our men if they can help it. The only time they give us a chance is when there is a storm, and they are swamped, and need assistance.

Mr. COTTON.—The recommendations that you have made would likewise afford protection to men working on telephone and telegraph wires, so far as they are employed on the same poles?

Mr. MCCOY.—Yes, sir, that would protect them as well as us.

Chairman WAINWRIGHT.—Have you any special recommendations to make with regard to those workers in addition to these that you have presented to us?

Mr. MCCOY.—Well, I could not make any better recommendations than we have already made. It would not do me any good to try to make any better conditions for them than I would make for our own men.

Chairman WAINWRIGHT.—Do the recommendations that you have made, embody, as you understand it, all the suggestions that your organization has to make to this

Commission as to what the State ought to do by law or regulation to make the conditions of work of your men safer?

Mr. MCCOY.—There is one suggestion that I would make that is not incorporated in this recommendation. That is, that in all cases where men are working on say six hundred volts or over, that there shall be two men on the pole.

Chairman WAINWRIGHT.—Where is that rule in force now?

Mr. MCCOY.—It is in force in San Francisco, Cal., and in several other large cities in California.

Chairman WAINWRIGHT.—Is it in force in any other state?

Mr. MCCOY.—I cannot really say.

Mr. COTTON.—As a matter of fact, there cannot be a possibility of two men working on the pole at the same time, can there?

Mr. MCCOY.—Oh, yes. I have often worked on a pole with five men on it.

Mr. COTTON.—There is no requirement for that from the point of view of the work to be done, to have two men—it is a safety requirement?

Mr. MCCOY.—It is a safety requirement, and a whole lot of times a fellow will be working where two men could go on and work better than one, and it will probably save a man's life.

Mr. COTTON.—That eight-foot requirement between high tension and low tension wires is likely to require more poles, is it not? What I mean is, they are very much closer at the present time. The wires are two or three feet apart now, aren't they?

Mr. MCCOY.—They are twenty inches. (Mr. McCoy filed with the Commission the recommendations he has made, in writing.)

Mr. M. NELSON (336 Court street, Brooklyn, appeared before the Commission).

Mr. COTTON.—Whom are you working for now?

Mr. NELSON.—The New York Telephone Company.

Mr. COTTON.—When were you hurt?

Mr. NELSON.—During April of last year.

Mr. COTTON.—You were on a pole?

Mr. NELSON.—Yes, sir.

Mr. COTTON.—And the pole broke while you were on it and you were hurt?

Mr. NELSON.—Yes, sir.

Mr. COTTON.—How high up were you?

Mr. NELSON.—About thirty feet.

Mr. COTTON.—Why did the pole break, do you know?

Mr. NELSON.—It broke down at the bottom.

Mr. COTTON.—What was the matter with it?

Mr. NELSON.—The suspension wire, where you put up your cables between the poles, and when they put up that wire it was good and tight, and there were two men working thirteen poles below, where the wire was slipped through the clamps. The strain on that pole where I was pulled the pole over like, and it broke on the bottom. The strain was so heavy.

Mr. COTTON.—The other men were working thirteen poles away?

Mr. NELSON.—Yes, about thirteen hundred feet away.

Mr. COTTON.—That was hard to prevent, wasn't it?

Mr. NELSON.—These clamps, they say were not good clamps enough on the wire. They are supposed to put six clamps on, and instead of that they had only three clamps on.

Mr. COTTON.—How could this case have been prevented?

Mr. HORAHAN.—This pole broke off at the butt. The pole was rotten at the butt when it broke.

Mr. COTTON.—No, there was an extraordinary strain, and it was not clamped up, and the suspension wire pulled it over.

Mr. HORAHAN.—If the pole had been properly guyed, it would not have broken.

Mr. COTTON.—Who guys the pole? Do you look at your guys before you go on the pole?

Mr. NELSON.—It didn't have any guy on it.

Mr. GILMOUR.—Mr. McCoy, have you any suggestion to make as to the inspection of pole lines?

Mr. MCCOY.—Yes, sir. As a general rule they set these lines, and do not inspect them for two or three years, and when they do send a man out to inspect them, they don't inspect them as they should, but they go right along and look at them, and report them O. K.

Mr. GILMOUR.—I asked if you had any suggestion to make as to the inspection of those poles. It is a fact that they rot at the base, isn't it, between wind and water, as it were?

Mr. MCCOY.—They rot at the top of the ground—that is where they generally rot.

Mr. COTTON.—And you say there is no efficient inspection of them?

Mr. MCCOY.—Not to my knowledge, and I have been working at this business for nine years.

Mr. GILMOUR.—Have you any suggestion as to the preservation of these poles?

Mr. COTTON.—Are they covered with any preparation at the base?

Mr. MCCOY.—No, sir.

Mr. COTTON.—Or with anything that would stop decay at the base?

Mr. MCCOY.—The Brooklyn Edison Company paints them about six feet with tar, but they set them six feet, so that just where the tar stops at the six foot line is right where they break. They commence to rot there.

Mr. COTTON.—Are they painted under the ground, the parts under the ground?

Mr. MCCOY.—The Brooklyn Edison Company generally does, but the majority of these companies around here do not.

Chairman WAINWRIGHT.—What is your suggestion as to how that inspection should be conducted? How frequently should they be inspected?

Mr. MCCOY.—Well, at least every quarter.

Chairman WAINWRIGHT.—You think that these lines and poles should be gone over every quarter at least by some one who gives them a minute or careful inspection?

Mr. MCCOY.—Yes, sir.

Mr. COTTON.—At present, the lines are inspected oftener than every quarter, are they not?

Mr. MCCOY.—They inspect them at the upper part, but not around the ground. They walk along, and if it looks all right, they let it go.

Mr. COTTON.—It always looks all right until it breaks, doesn't it?

Mr. MCCOY.—They never take a sharp bar or knife and stick it in, until after something happens. Then they go along and try it.

Mr. SMITH.—I do not think we all of us clearly understand the exact conditions and circumstances which surround the case Mr. Nelson attempted to describe. I would like to have him state just exactly what he believed the circumstances were, and what he thinks could have been done to avoid that accident. Are you familiar with that case?

Mr. MCCOY.—No, sir, I am not familiar. But I can judge that that pole had quite a strain on it, and probably had some wires pulling from where the strain was. They did not put enough clamps on to hold it. Possibly they had some of these inexperienced foremen they put out, that go to some relative and get into a position, and then put them right out, and in a few days they are foremen. I know a dozen cases where they send inexperienced men out, and then there is some good mechanic to carry the work along and instruct them, but sometimes in these cases they get bull-headed, and do it their own way anyhow, and the result is a lot of accidents. I don't

really understand the way it happened with him.

Chairman WAINWRIGHT.—Do you understand that that embodies all the suggestions that the outside electrical workers have to make?

Mr. HORAHAN.—All, excepting putting practical men in charge of this work. As Brother McCoy said, they put inexperienced men in charge of gangs of men.

Chairman WAINWRIGHT.—What kind of tests would you suggest should be applied to men who take positions as foremen?

Mr. HORAHAN.—I think that their length of service in the business would go a long way towards proving that. I knew a case ten years ago in the city of New York where they took a gardener out of the park, and put him at the head of construction men.

Chairman WAINWRIGHT.—Do you think these men should be licensed?

Mr. HORAHAN.—I would not like to go that far.

Chairman WAINWRIGHT.—What is your concrete suggestion?

Mr. HORAHAN.—My idea is that experience and knowledge of the business should go a long way.

Mr. MITCHELL.—Your idea is that journeymen electricians should be in charge of the work?

Mr. HORAHAN.—Yes, sir.

Mr. SMITH.—And no laborers at all?

Mr. HORAHAN.—Oh, yes, they should have laborers to do the labor work. I would not want to put it on the company that they should hire all experienced men. There are some branches of the work that is labor work, but the foreman should be experienced men.

Chairman WAINWRIGHT.—What is to be the test of his experience and fitness? Who is to be the judge?

Mr. HORAHAN.—Say the Public Service Commission.

Chairman WAINWRIGHT.—You would not say, would you, that the State should undertake, through the Public Service Commission, to pass on the requirements of every man who is employed as a foreman?

Mr. HORAHAN.—Not necessarily, but in case of an accident happening, and it was proven that it was an inexperienced man running that gang, there should be some penalty attached, both to the company and to the man.

Chairman WAINWRIGHT.—My point is, how can that be done practically? Can the State step into that field, and by some sort of examination, determine the qualifications of a man before he can assume that

position, or should they prescribe through the Public Service Commission, or by law, a certain inflexible qualification for the man?

Mr. MITCHELL.—Does your organization have a regular apprenticeship, Mr. Horahan?

Mr. HORAHAN.—Yes, sir.

Mr. GILMOUR.—Do you issue a paper or some sort of a certificate to him?

Mr. HORAHAN.—Yes, sir.

Mr. GILMOUR.—Why isn't it up to you then to ask whether the man who is acting as foreman has his certificate or not?

Mr. HORAHAN.—There is not a public service corporation in the State that will recognize our card. If a man shows his card, it will disqualify him from being a foreman.

Chairman WAINWRIGHT.—I suppose there would be practical difficulties in requiring by law that every man employed as a journeyman should have one of your cards. Now, Mr. Gilmour, will you give us your suggestion?

Mr. GILMOUR.—Abroad, if you go into a workshop or factory, you have to serve at least five years of apprenticeship before you get a certificate. That does not necessarily mean that you have to join a union, and when a new man comes into a shop, if the mechanics around think he is not qualified, they can ask him if he has his apprenticeship papers.

Chairman WAINWRIGHT.—Who issues that.

Mr. GILMOUR.—It is issued by the works where the service is done.

Chairman WAINWRIGHT.—That system does not apply in this country at all, does it?

Mr. GILMOUR.—I don't know how far it applies.

Mr. HORAHAN.—It only applies to trade unions, as far as I know.

Mr. MITCHELL.—What is the length of your apprenticeship—three years?

Mr. HORAHAN.—Four year.

Mr. COTTON.—Did you ever present these recommendations to the Public Service Commission?

Mr. HORAHAN.—No. We did some three years ago—

Mr. COTTON.—They had no authority then, had they?

Mr. HORAHAN.—I believe they had not at that time, but we did present recommendations to Governor Hughes, and he said he would use his good offices in seeing that some of the recommendations offered to him were carried out, but he went out of office before he could do anything in that line.

Chairman WAINWRIGHT.—They will have serious consideration by this Commission.

Mr. HORAHAN.—We would like to have practical men appointed by the Civil Service Commission to do this inspecting and reporting on the condition of these poles and overhead construction.

Mr. T. B. CLARK.—I am the business agent at the present time of the Inside Electrical Workers.

Chairman WAINWRIGHT.—Our inquiry is on the question of how we can prevent industrial accidents, and included in that would be men working in proximity to electric currents, and we would like to hear what suggestions you have as to how the State can do anything to tend to prevent accidents of that character.

Mr. CLARK.—The Inside Electrical Workers have a very different class of work altogether from the outside men that you have already heard from through Mr. McCoy. They handle high tension work on a larger scale than we do. Our men, the majority of them, handle low potential work, and it is very seldom that we come across an accident from the electric current, the high tension electric current. Most of our accidents in that line are from short circuits, which cannot be avoided, but the accidents that we would wish to speak of are more on buildings, in the construction of buildings.

Chairman WAINWRIGHT.—Do you consider that, as far as the Inside Electrical Workers are concerned, there is anything that could be done by law or by regulation to prevent accidents of that character in connection with electricity?

Mr. CLARK.—That is, shocks from electricity? Not in our branch of the trade, but we coincide with Local No. 20. We understand their part of it, we understand their situation thoroughly, and those resolutions presented by Local No. 20 we are perfectly in accord with. We believe that these pole lines, before they are placed in position there, there ought to be laws governing them, the same as in our class of work. There are certain rules from the City Department governing our class of work, to be placed in buildings, more on account of fire, and the Board of Fire Underwriters' rules also cover our branch of the trade. I do not believe there are any rules on line work that are so good as in our branch. We believe that rules should be drawn up on the matter of the inspection of those pole lines. You take, for instance, the accident that the gentleman was speaking of, I understand that the lines were run on old pole lines. There was an

old pole line standing there probably for several years, and the plans were drawn up to put some more lines on top of those poles. Now, I believe that those poles should have been thoroughly inspected by the city or by the State Inspector, and the plans submitted, the plans of the company submitted to a certain bureau before those men were allowed to go on those poles, and place those lines on them, and place more strain on these poles, possibly more than the poles were built for originally. I understand he was working on a pole not properly guyed. If an inspector had come along—that is, an inspector not governed by the company, the company inspector will pass a thing even if he knows in his heart and soul that it isn't safe, but if a state inspector had come along who had no interest in the company, or a city inspector, he would have taken into consideration the strain or the weight of the cable to be placed on top of those poles, and he would have instructed them to guy those poles properly before the men were allowed to work on them. Very often accidents of this character would be eliminated by such a class of inspection. If a foreman is sent out on work of that kind, and he knows a pole is not safe, and he reports it, the company will send up some high-paid official, who will look at it, and say "Oh, that pole is all right; go ahead and use it." When an inspector in our class of work comes and says it is not correct, we have to take it out, and put in proper work. We have the city inspectors, and the Board of Fire Underwriters' inspectors. The accidents we come in contact with on the buildings are more through lack of protection or inspection, inspection protection in the building. Now, take for instance, just a few weeks ago my own brother, who is in the same branch of business that I am, was sent from one job to another job. He went into this other building, and on the ground floor, which was imperfectly lighted, it was dark, and he went over to the locker where the foreman was, and the foreman told him he wanted some material moved from one part of the building to another part of the building. On one side there was another locker and in front of that some barrels were piled, and where the electrician's locker was, in that part of the building, the floor was imperfectly lighted, and when he got his instructions to go over to the other corner of the floor to get his material and place it beside the locker, he walked underneath the hod hoist. The hod hoist came down and knocked him out, and he was laid off of work for a couple of weeks. I believe that accidents like that

could be prevented. That hod hoist was not properly protected. There could be a rail all around it, and when it comes down there could be a gate alongside of the hoist, or a bar that they could raise. Every time it is lifted up the workmen could put a bar in front of it, and if there is a hod hoist there they should have the ground floor properly lighted, and a sign placed in a conspicuous place, of danger. I understand there was a small sign on the side of the hod hoist in this case, but when you walked around on this side, it was on the other side, and a column was there, so it was impossible to see the sign. If the law covers it, it is not lived up to in New York City, which means that there is inadequate inspection of buildings in this city. I was not familiar with the fact that there was a law to that effect. I can take the Commission around to dozens of buildings in this city where that law is not lived up to.

Chairman WAINWRIGHT.—That accident raises a question not so much of law, as of enforcement.

Mr. CLARK.—That is absolutely true. Now, there are other accidents in our branch of the business. The electrical contractors of the city send a man out on the job, and send imperfect tools, such as step-ladders, and other tools they have to supply.

Chairman WAINWRIGHT.—Just listen to this, and see if it does not cover what you have in mind? It is section 18, the first paragraph of that section, of the law: "A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged."

Mr. CLARK.—That law is not enforced.

Mr. COTTON.—How could it be enforced?

Mr. CLARK.—Proper inspection would be the only solution of that, proper inspection of the tools and appliances in the different buildings.

Chairman WAINWRIGHT.—What is your idea as to proper inspection? Do you mean to say that you think some department of the State, or of some subdivision of the State, should be constantly inspecting ladders, hoists, and all these appliances?

Mr. CLARK.—Yes.

Chairman WAINWRIGHT.—Would that be possible, in view of the thousands of these articles that are in use, for the State to undertake to do that?

Mr. CLARK.—It would be possible on the new buildings. That is where the majority of our members are working.

Chairman WAINWRIGHT.—Now, give us your views as to how that should be done. How and when should that inspection be made—how frequently, in your judgment?

Mr. CLARK.—At all times while the building is under construction.

Chairman WAINWRIGHT.—Do you mean to say on every building there should be an inspector constantly on hand?

Mr. CLARK.—On the same lines as the building inspectors of the city of New York. They, however, do not inspect the tools and appliances of the employers. They just inspect the building to see that the building is put up properly.

Mr. COTTON.—Is this inspection of a good character?

Mr. CLARK.—That I am unable to say.

Mr. COTTON.—I don't see why you should not be able to state. You are there, and you see what is done.

Mr. CLARK.—It is not material to us, because it does not have anything to do with our class of work at all. Our class of work is inspected by a different department, the Department of Gas, Water and Electricity.

Chairman WAINWRIGHT.—What I want to get at is this, and I have not yet had a satisfactory answer—how frequently should that inspection be made? Are we to understand that it is your idea that in these new buildings that are going up, that an inspector of the State or of the city should visit each one of the buildings under construction in this city at least once a day, or twice a week, or once a week?

Mr. CLARK.—That is something that no one could answer. I will answer it this way: That some of the buildings over in Brooklyn are very small buildings, and there are not many mechanics working on the job, but take some of the large buildings in New York city, I believe there should be an inspector on the job all the time. Take, for instance, an electrical contractor who sends tools on to the job for his own electricians. Take a ladder, for instance. Certain days the electricians will be using that ladder. Other days they will not be using it, and it will be laid on the floor or left around somewhere. Some other mechanics will come along and take that ladder and use it, and maybe damage it, and afterwards the electricians will come

along and take the ladder and start to use it, and not notice possibly that it is in a damaged condition, and he goes ahead and uses it, the same as happened on the Brewster building in Long Island City, where one of our men went up on the ladder, and it broke off and he came down and fractured his skull.

Mr. COTTON.—How often has your union made the question of the use of safety appliances an issue with the employers? How often have you complained to your employers of unsafe appliances? How much have the activities of your union been directed towards getting better appliances? Have you ever carried your complaints to your employers of unsafe appliances on a building here in New York?

Mr. CLARK.—Not to my knowledge.

Mr. COTTON.—Isn't that one way of stopping it? What is the union doing, and what are the employers doing to stop it?

Mr. CLARK.—I don't think the employers will do anything to stop it, for the reason that they are insured in these casualty companies.

Mr. COTTON.—And you say you are not doing anything to stop it.

Mr. CLARK.—Well, we are coming down here.

Mr. COTTON.—That isn't the practical way to work.

Chairman WAINWRIGHT.—There is hardly a man who uses a ladder who is not himself competent to look at that ladder and see whether it is safe or not.

Mr. CLARK.—The men will not usually give their time to inspect the ladders. They are given a job to do, and told how soon they must do it, and if they don't do it in a certain time they are discharged, and if you waste ten or fifteen minutes looking over a ladder, the foreman will want to know what you are doing.

Chairman WAINWRIGHT.—Why should you take ten or fifteen minutes to inspect the ladder? I don't blame the foreman for wanting to know what you are doing.

Mr. CLARK.—It would sometimes take as much as ten minutes.

Mr. GILMOUR.—Would you go up a ladder yourself without looking it over?

Mr. CLARK.—I have done it.

Mr. GILMOUR.—But would you do it now? You have had a little more experience.

Mr. CLARK.—I believe I would, I never think of it.

Mr. COTTON.—How can you expect a State inspector to come around and do that? You are perfectly competent to look at it.

Mr. CLARK.—The State inspector will be a competent man.

Mr. COTTON.—So are you a competent man.

Chairman WAINWRIGHT.—What I suppose you have in mind is this, that the average man is rather reluctant not to take a chance?

Mr. CLARK.—If we were given ladders—I have gone on any amount of jobs, and we were given no ladders at all. The contractors had no ladder on the job. He does not supply them. Take, for instance, we have a tool in our business called a hickey for bending pipes. You may pick a hickey up that was not perfect, and if you go to the foreman and complain, he will say, "Go ahead and use it. If you can't use it, get another job." We had a man fall eight stories through a hickey breaking. He was sent up to bend pipe in front of the elevator shaft, and he was bending it, and the hickey broke, and he went down the shaft. If he had complained about the using of that hickey, and said that the hickies were not good, he would have been told, "Well, if you don't want to use that, get another job."

Mr. COTTON.—You are a fairly highly organized trade, are you not?

Mr. CLARK.—Yes, sir.

Mr. COTTON.—Would not your complaints be heeded, your complaints with reference to unsafe tools?

Mr. CLARK.—Well, when we meet the Electrical Contractors Association, we generally have too much to talk about on the trade rules in general, without talking about safety devices.

Mr. COTTON.—Now, I am perfectly sympathetic with you, but you come down here and try to get the law enforced, and I am asking if you are doing all you can to have it enforced. You say you have too much to talk about when you meet the general contractors. Now, are you not also pretty careless when that is the case? Is not that just the thing to take up with the contractors?

Mr. CLARK.—When we have had members of our organization incapacitated, we have sent the boss down to talk to the employer, and in those cases he has always referred us to the casualty companies, in all cases.

Mr. COTTON.—You do not need to tell us how black they are. We have a fair knowledge of that situation. I say, why should not the question of unsafe tools be a real question, which your unions ought to take up with your employers?

Mr. CLARK.—I can only answer that by asking you a question. Why should the unions enforce the laws of the State?

Mr. COTTON.—They are the men who get hurt if they don't.

Mr. CLARK.—The union should not have to act as the police of the State.

Mr. COTTON.—But here is a law always of extreme difficulty of enforcement, no matter what is done, if there were an army of inspectors, there would be some failures. While inspection is needed, and would be helpful, isn't it also necessary that labor, organized and unorganized, help itself, and isn't it necessary that the employees should help themselves in this connection? Is there not need of more real co-operation in the direction of preventing these accidents? Shouldn't you have safety committees to deal with this subject? Would not that be a real way to help, and would not that go further to prevent broken legs and arms than even inspection would?

Mr. CLARK.—That is a good suggestion, but, on the other hand, how is that going to help men who are not organized? There are more accidents amongst the unorganized than there are amongst the organized.

Chairman WAINWRIGHT.—Have you ever been present at a meeting of any union where the question of the prevention of accidents, or the question of how you could stop men being killed or hurt, in your trade, has been discussed, and any measures adopted? I am not talking about compensation, I am talking about practical matters of prevention.

Mr. CLARK.—Yes, I believe we have taken those questions up several times, but they did not seem to take much interest in it when it was brought up on the floor.

Chairman WAINWRIGHT.—Mr. Cotton's point is, and I also ask you the question, don't you think that the unions should take more interest in that?

Mr. CLARK.—A man is most interested after he has had an accident. That is the man you can talk to, that is the man who will get up and talk on the subject, but the man that has been working several years at the business, and has never been unfortunate enough to have an accident of any sort, that is the man that does not take any interest in it. He seems to think—in fact, he doesn't think about it at all.

Chairman WAINWRIGHT.—Is not the question of enough importance to be one of the real questions, one of the real subjects for the unions to take up themselves?

Mr. CLARK.—Yes, I believe it is. It is a vital question that they should take up, and they ought to have proper committees to enforce it.

Chairman WAINWRIGHT.—Personally I feel that if our committee does nothing else, if it brings this question to the attention of employers and organizations of workmen,

so that their interest will be stimulated in it, it will be sufficient justification for the time we are spending.

Mr. CLARK.—On the other hand the State has made laws, and is not doing anything to enforce them.

Chairman WAINWRIGHT.—We understand that.

Mr. CLARK.—We believe that the laws ought to be more stringent than they are at the present time.

Mr. COTTON.—How? What change do you want in the law to make it stiffer?

Chairman WAINWRIGHT.—Could the law be stiffer than that which has been read to you?

Mr. CLARK.—I don't know how stiff it is. I know these men that I have cited, and now I come down here and you tell me that is the law. Those men have good cases, but I have never seen any instance where those men have gotten anything. There is some little technicality that they get out of it.

Mr. MITCHELL.—You mean they get out of it in a claim for damages?

Mr. CLARK.—They get no damages.

Mr. MITCHELL.—That is, you mean they get out of it when it comes to a suit for damages?

Mr. CLARK.—Yes, sir.

Mr. MITCHELL.—What I think you want is, that in the erection of buildings there shall be an inspection, such as there is in the factory department now, special inspectors, whose duties it will be to inspect tools and scaffolding, etc.

Mr. CLARK.—Yes, sir.

Mr. MITCHELL.—Could the present building inspectors do that work, or should there be special inspectors?

Mr. CLARK.—I think there should be special inspectors, a special department for that work.

Mr. CHARLES DU BOURG.—I appear for the Brotherhood of Inside Electrical Workers of Greater New York. I want, Mr. Chairman and gentlemen of the Commission, to introduce to you one of our brother members, as you have been talking on the different kinds of scaffolding and ladders. This brother was on a very large building here in the city of New York, the National Bank Note Company's building, and was put to work on a very high ceiling, and given nothing to get there with, and he was discharged because he was trying to protect himself from being killed while trying to get at that ceiling. If you would like to hear him, he is here.

Mr. WILLIAM B. MARTIN, of Mount Vernon New York.—I wish to be as brief as possible, and to give you a few points from

my experience of twenty-five years in the city of New York, and throughout the country, on buildings of all sizes. My experience is this, not to go into ancient history. When we had reasonable time to perform our work, and the question was, "How good can you do it?" Now, under the present system, it is, "How quick can you do it?" You go to a job and ask the foreman for a job, and if does not know you very well, he says, "You know you have got to throw it in," and it has got to such a condition now that you are almost ashamed to say that you are working at some of our trades, under the conditions that you have to work under now. You go to a job, for instance, any job—I have quite a lot of them at home, I have probably the making of a good sized basket of clippings—any newspaper reader will remember them. You go to a job, and my actual experience is this: The man in charge of the job is the man that can drive the men. You read the *Electrical World*, and you see where there is a vacancy for a foreman, and you will see that the man who can get the work out of the men is the man that is required. I was on one particular job up to a couple of days ago, the American Bank Note Building, in the Bronx. I was put up on a ceiling, under which there were four batteries of boilers. I am somewhat of an engineer, I was four years on a steamship, and I know the heat of an engine room. I have put in eight hours a day up to 140 degrees temperature. The temperature of that ceiling, I don't believe, was less than 180 degrees. I was shown a job of four outlets. The foreman said, "Throw that in." I saw that there were no ladders, and I asked where I could get a ladder. He said, "Hunt one up." Now, you might as well go out on the street and sandbag a man on Broadway, as to go into one of these buildings and take away a ladder from somebody else. It is the biggest and the best scrapper that gets the ladder. The foreman said I should get some planks and build one. He said, "Get there." The employer does not provide a sufficient number of substantial ladders for the men, and he does not supply scaffolding to get there, and the journeyman that is conscientious in his work, and wants to get through and do as he is ordered, it is put up to him to get there as best he can, and he is not given time to go out and steal the lumber to build a scaffold, to go up and work on in safety. My recommendation would be that the employer putting men on work in the construction of buildings—I know there is a law covering that—but how can you enforce it, that is the question? Make it

compulsory for the foreman in charge of that job to see that a suitable ladder is provided for the mechanic to do this dangerous work, or else give that man and his helper a reasonable time to get the lumber, steal it if he can, and do that work. I will tell you the means I took to get there. There was a sheet iron band, where they had strengthened it as much as possible, it was a flat galvanized iron band. It was supported by a little strip of iron, so that when I did get there, I could take hold of these rods and shake the whole ceiling, as long as this. There was nothing substantial to lay a ladder against. I got hold of a ladder, and it was three feet too short, and I didn't have time to get a hammer and tools to make it longer. My move was to get a couple of empty packing cases, shovel half a ton of coal out of the way, and put up that twenty-foot ladder, and rest it against about such a resting place as the edge of that cornice up there, about four inches. Now, if the fireman had hit one of those boxes with his shovel when he was shoveling coal, he would have undermined my ladder, and I could have gone down, and probably would not be here to talk to you this morning. At half past four I was told that I had not thrown it in quick enough and I was discharged. My recommendation is that the man in charge of that work will be compelled in some such way—that that man will be compelled, it will be his duty, and it will be the contractors' duty, to see that that man is provided with substantial scaffolding or ladders to work from, or else that he is provided with reasonable time to go out and steal the lumber and build it himself.

Mr. SMITH.—As I infer, Mr. Nelson is probably a man who would be entitled by experience and years in the service to receive a certificate showing that he was a competent journeyman electrician for outside work.

Mr. HORAHAN.—I think so.

Mr. SMITH.—And that he was competent to judge, before the accident occurred, whether the conditions that brought about his injury were such that he might have known that it would be possible for him to receive injury.

Mr. HORAHAN.—You must understand that after he went on this pole the cause of the accident happened. It happened while he was up there.

Mr. COTTON.—Inspection would not have prevented that, would it?

Mr. HORAHAN.—Inspection would not, but the competency of the people carrying on the work would. If, as he says, the other men, were working thirteen poles

away from him, that was quite a distance away, and he would not know that there was anything going on there. If an inspector was there, and knew what was going on, he would know what the danger was.

Mr. SMITH.—Do you suppose there was no one in that gang, the foreman or anyone, do you suppose there was no one there who should have known that there was a chance for that accident to occur? Do you suppose there was any such there?

Mr. HORAHAN.—Of course I don't know who was there at the time, but I think there ought to have been. I think it should be the part of the company to see that there was someone there. I know myself that in that line of business, men take chances, because their work leads them to take chances.

Mr. SMITH.—Suppose he had known in advance of the possibility of that danger, what would have happened if he had brought it to the attention of those who might have been over him in authority?

Mr. HORAHAN.—Well, if he talked it to them violently, he would have been cut. He would have been told to go to the office and get his time.

Chairman WAINWRIGHT.—Is there anything further from the Electrical Workers? If not, we will call for the plasterers. I see Mr. Gill is here. How many people do you desire we shall hear, Mr. Gill?

Mr. GILL (of the Bricklayers, Stone Masons and Plasterer's of the State).—I am on the Legislative Committee of the organizations of the State. I am business agent of Local Union, the Bricklayers in the city.

Chairman WAINWRIGHT.—Will you state to us as briefly as you can what is your idea of the causes of most of the accidents in your craft, and what should be done to prevent them?

Mr. GILL.—The mad rush to make money, by the contractors or the owners, is the principal cause. Some time ago we had a law in the State that made it mandatory for all buildings, tenement houses and others, to be covered over with a rough flooring. As they are going up at the present time, in tenement houses wooden beams are used, and there is no floor or protection for the men whatsoever, only what little protection the contractor may give in the way of scaffolding. Understand what I mean; there are so many different trades working in tenement houses, that the brick contractor tries the best he can to protect his men, and I suppose some of the other contractors do the same thing, but each

contractor, and each class of men are trying to protect themselves only. They have not very much concern for anybody else. I don't want to knock the bricklayer, or the bricklayer's helper, but sometimes the bricks fall over the wall, and through the beams, and may hit the unfortunate electrician, or the plumber, or the plumber's helper. I believe, if the building was covered over with a rough floor—

Chairman WAINWRIGHT.—It is now provided in section 20 of the law, "where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material or brick-work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers of beams below that on which the iron work is being erected."

Mr. GILL.—I am speaking of where there are wooden beams, not where there is fireproofing.

Chairman WAINWRIGHT.—Now, you have no suggestions—do you think the law is enough with regard to where there is arch or fireproofing material?

Mr. GILL.—No, I do not. The law as it reads, I believe, requires the covering over of floors in steel buildings.

Chairman WAINWRIGHT.—"To not less than within three tiers of beams."

Mr. GILL.—I assure the Commission that material falling from one floor would be sufficient to kill a man. It depends of course on the class of material that comes down, and for that reason you should make it one floor, and further than that, you should insist on the protection of men working on the outside. At times accidents will occur, it is pretty hard to prevent them sometimes, but great care should be taken, as much as possible, for provision against accidents, and there should be grates and coverings over men working underneath the iron men, in order to protect the men.

Chairman WAINWRIGHT.—Practically, what do you mean, and what do you suggest—what kind of guards?

Mr. GILL.—To begin with, every floor should be covered as long as there are men working underneath, other men. If there are men working on this floor, this floor should be thoroughly covered over to prevent the men on the next floor from meeting with accidents.

Chairman WAINWRIGHT.—A rough flooring or a net?

Mr. GILL.—I believe that the material should be put in on the floor as they go on, but before that the iron men should be compelled to sheet the floor, and leave that

sheeting on there until such time as they put in the fireproof arches. Further than that, there would be an extension of protection of the outside of the building, in order to protect the workmen working on the walls underneath, and those passing by.

Chairman WAINWRIGHT.—Even though the law does not require that, isn't it in practice generally?

Mr. GILL.—We have an agreement with our employers that calls for that protection for us, and a good many of them live up to the law, and some of them do not. It is to provide against those unscrupulous men that we want to have the law enforced.

Chairman WAINWRIGHT.—Mr. Butler, is there any provision of law now requiring protection to the outside of the building?

Mr. BUTLER.—Yes, sir, there is a specific section in the city ordinances. There is no State law providing for the covering on the outside of buildings. There is a city ordinance that provides that there shall be a covering over the sidewalks to prevent anything that might fall over from the building falling on passers by.

Chairman WAINWRIGHT.—Is that generally observed in the city of New York?

Mr. BUTLER.—I can't say.

Mr. MITCHELL.—That does not protect the working man at all. That protects the pedestrian on the street. What does it say about the man working on the building from those who have to work above them? That would not affect them.

Mr. BUTLER.—I think it does. I think that it provides that as the building goes up there must be thrusts and outriggers on them, within a certain number of floors, where a building is in process of construction.

Chairman WAINWRIGHT.—What have you to say to that?

Mr. GILL.—I never heard of such a law as that, but I do know there is an ordinance with regard to bridging over sidewalks to prevent material from falling on the people passing by.

Chairman WAINWRIGHT.—Tell us what different kinds of prevention, nets and scaffolding, you think there should be.

Mr. GILL.—In speaking about nets, I would suggest that there should be a netting underneath all suspended scaffolds where workmen are working, and for the protection of iron workers, extended outside of the building.

Chairman WAINWRIGHT.—Now, is that done practically by any concern to-day?

Mr. GILL.—No, there is no netting. There is a protection or covering put out to

cover the bricklayers. It is inserted in the agreement with their employers that they shall be covered, and in a good many cases that agreement is lived up to.

Chairman WAINWRIGHT.—But there is no city ordinance or law, as you understand it, calling for that?

Mr. GILL.—There is not, I can safely say that. In addition to that, on the scaffolding where masons or iron workers or any other men are working you should have a netting for this reason: The patent scaffolds being erected at the present time are liable to break at any time or the machinery is liable to go wrong. In that case a net would prevent perhaps a loss of life. In that connection I will refer to a case on Twenty-second street near Sixth avenue, where two members of our organization, at twelve o'clock of a Saturday, fell to their death. One lived for twenty-four hours and the other was killed instantly. If there had been a netting underneath at that time the probabilities are the lives would have been saved.

Chairman WAINWRIGHT.—How did that accident occur?

Mr. GILL.—The machinery on the patent scaffold, I understand, went wrong. I also believe that those scaffolds going up now should be properly inspected, and men for that purpose should be detailed, either by the city or by the State, for the inspection of those scaffolds.

Mr. MITCHELL.—Was that scaffolding outside?

Mr. GILL.—Yes, a suspended scaffold on the outside. When I speak about inspectors I am not referring to the ordinary scaffolds four or five feet high. If you had inspectors for them you would have to have as many inspectors as scaffolds, but I am speaking of the suspended scaffolds at a great height, where there are a number of men laying brick from the outside. Not only are they liable to be killed themselves, but those underneath them are liable to be killed by the material falling underneath.

Senator PLATT.—How many men work on these scaffolds at one time?

Mr. GILL.—It is this way: The scaffolds are in sections, they are suspended on iron trusses, iron beams, in that fashion (illustrating). There is a device on the top for manipulating the cables.

Senator PLATT.—I know, but each scaffold is separate from the other, isn't it?

Mr. GILL.—No. I am trying to explain it. There are two lengths of rope, and you can, by shifting the plank right across on the horizontal pieces that go across, extend that scaffold indefinitely. You can have it as big as you want to. The only connec-

tion that each cable has with the other — that is, each cable, each section of cable is through the planking. They are not connected in any other way, they are independent of each other.

Assemblyman PHILLIPS.— If the cable breaks it would only affect those men on that part of the scaffold?

Mr. GILL.— Yes, but it is liable to tip the planks over. You can extend the scaffold indefinitely.

Chairman WAINWRIGHT.— Your suggestion is that there should be nets under those scaffolds?

Mr. GILL.— Yes, sir.

Chairman WAINWRIGHT.— What other suggestions have you to offer?

Mr. GILL.— For a violation of the law I think we should have imprisonment, because there is nothing as valuable as a human life.

Mr. MITCHELL.— Could not all of that work be done from the inside as well as outside?

Mr. GILL.— Yes, sir; but if you fall from the inside the height is just the same as it is on the outside.

Mr. MITCHELL.— If the suggestion to put a floor on each story were adopted you would only fall one story.

Mr. GILL.— On ornamental work it is almost impossible to do it on the inside. In the modern work on buildings going up the work is so that very often you can't do your work as you should. Take, for instance, the setting of terra cotta, or the setting of large stone, it is impossible to do it from the inside.

Mr. MITCHELL.— But you can always set brick from the inside?

Mr. GILL.— Not always. There are some places where you can't do it at all from the inside. The iron work of some classes of buildings would prevent you from doing that. Besides, you cannot do the work as good from the inside as you can from the outside.

Mr. MITCHELL.— Can you do it as fast?

Mr. GILL.— No, you cannot, and you cannot do it as good.

Mr. MITCHELL.— Do you lay more brick when you lay from a scaffold on the outside than you do from the inside?

Mr. GILL.— Yes, the more ease we have in working the more we do. You can do more than if you work at a disadvantage, and it is always a disadvantage to work over the wall.

Chairman WAINWRIGHT.— As I understand it the only penalty for a violation is a fine of not less than \$25 and not more than \$500. Your suggestion is that that is not enough, but that the real offender should go to jail.

Mr. GILL.— Indeed he should go to jail, and for a long term, because if a man thinks more of a few dollars than of a man's life, jail is the proper place for him. There is another matter I wish to speak about, in reference to the covering of floors in wooden buildings. How that law came to be changed, I can't understand, but I wish to state this, that those gentlemen bickering with laws and bills in the Legislature or anywhere else, are very fine examples of citizens, that are trying to remove the protection that the State already gave, in order to benefit some certain interests.

Chairman WAINWRIGHT.— What are you referring to? Some pending legislation today?

Mr. GILL.— No, in the past.

Mr. MITCHELL.— Did the law formerly provide for floors on every story?

Mr. GILL.— Yes, sir. That is before your time, Senator Wainwright. We know that you are very friendly with our fellows. We know that, because it has been proved by the interest you have taken in that matter. That is proof enough of that.

Chairman WAINWRIGHT.— Your suggestion is that the law should be retained as it was before?

Mr. GILL.— Yes, sir.

Mr. MITCHELL.— That is, requiring a floor on every story?

Mr. GILL.— Yes, a floor on every story.

Chairman WAINWRIGHT.— When was that law changed?

Mr. GILL.— I don't know, I suppose about six years ago — I believe it was about six years ago.

Mr. MITCHELL.— Then it was changed to provide for a rough floor on every third story?

Mr. GILL.— I am not sure whether the law was changed or not.

Chairman WAINWRIGHT.— Mr. Butler, when was the law changed? Mr. Gill says that there should be a floor at each tier of beams, instead of three tiers. When was the law changed?

Mr. BUTLER.— It has not been changed.

Chairman WAINWRIGHT.— Mr. Gill says that the law formerly required that the flooring should be on each tier of beams.

Mr. BUTLER.— The law has been the same for ten years to my own personal knowledge, and I know of no change before that.

Mr. GILL.— Perhaps I might be mistaken, but if you gentlemen will look up the old law, I don't know whether it was a city ordinance or a State Law, but it is a fact that they did cover the floors in buildings where wooden beams were used. Now, who is responsible for the change? I don't know.

Chairman WAINWRIGHT.—Now, is there anything further?

Mr. GILL.—Nothing more than this, that the scaffolding should be protected, and inspected, or at least inspected by competent men.

Mr. MITCHELL.—Do you believe that this inspection should be made without requiring any complaint? At present inspection is only made on complaint. Do you believe that the inspection should be made without complaint, the same as the factory inspection?

Mr. GILL.—Why, of course. There are so many men involved. In this great big city, there are more men employed on high structures than in all the other cities of the State together.

Mr. MITCHELL.—Do the workmen ever make any complaint to the Building Department or to anyone else as to the conditions of the law not being complied with?

Mr. GILL.—I won't say to the Building Department, but we do complain to our contractors once in a while, and try to have it adjusted.

Mr. MITCHELL.—Will you tell me why complaint is not made to those having authority to enforce the present law?

Mr. GILL.—I do not know that the Building Department has authority to enforce this law. It is not part of the code that I know of.

Mr. SEAGER.—They have not only the power, but the duty to enforce the present law.

Mr. GILL.—I was not aware of that. I thought their duty was confined to the proper inspection of construction.

Mr. JOSEPH TREMBLEY (appeared before the Commission).—I am in the bricklayers. I am business agent at present of Manhattan island for the bricklayers' organization.

Chairman WAINWRIGHT.—You heard Mr. Gill, did you? Have you any observations to make in addition to what he said?

Mr. TREMBLEY.—I would like to take up regarding the liability where fellows are working on the outside of the scaffolding. There is hardly a day goes by but what some of our members get hit on the head from bolt of the iron men, or a rivet or something, from somebody else working on the floors above. We have an agreement with the Mason Plasterers' Association that where the work is in progress above the bricklayers, it must be covered, and I believe there is also an ordinance in the city, some similar law to that effect.

Chairman WAINWRIGHT.—It is section 80. I would like you to read that and see if that does not cover what you and Mr. Gill have in mind.

Mr. TREMBLEY.—I would like to state that the State should see that there is proper inspection, should see that those laws are carried out. Sometimes when I go around and draw the attention of the foreman to it, and ask him to cover up the men, he will always give you some excuse. Sometimes they go to work and put a couple of laborers on it, until I get around the corner, and they will say, "The delegate has gone away, he may not be around for a couple of weeks, and we will wait until he comes around again." They try to get away with it. The man working on the operation oftentimes needs the money and the work, and they would rather take a chance instead of making a complaint and getting fired. I believe the State should have a law to compel them, where anybody is working over another man, that he should be covered up, and to see that the law is enforced. You may go to a city building inspector and complain to him, and the result is he will sometimes simply laugh at you, and often go to the contractor and notify him, and the contractor will say, "Oh, we have done that on such and such a building" and he will give him a lot of hot air, and get away with it. I believe the State should have an inspector to see that the law is enforced.

Chairman WAINWRIGHT.—You understand that the city has inspectors to do that work here, and the city is supposed to do it, and not the State. Of course the State has jurisdiction possibly, but the law seems to provide, so we are advised, that the Commissioner of Labor is only supposed to do it when complaint is made to him. Have you any suggestion that that should be taken away from the city authorities, and placed under State jurisdiction?

Mr. TREMBLEY.—If the city won't look after safeguarding workingmen's lives, I think the State should take hold of it.

Chairman WAINWRIGHT.—Do you mean to say that you consider to-day that the city does not secure the enforcement of the ordinances and laws with regard to buildings here?

Mr. TREMBLEY.—In over one-half of the operations in New York city, the law is not complied with regarding covering up the men, especially.

Chairman WAINWRIGHT.—We have invited the Department of Building of the city of New York to be here to-day, and Mr. Sullivan, the secretary to the superintendent, replies and says: "Mr. Ludwig, the chief inspector requests me to state that owing to previous appointments, it is unlikely that he will be able to attend the hearing, but if possible, he will do so." We

have also asked the department by telephone to have somebody here to meet these criticisms of the department, and we hope they will get here. We certainly have given the department having charge of this matter in this city every opportunity to come here and answer the criticisms that have been made so frequently to us at our hearings.

Mr. TREMBLEY.—I might say also that in this city we have to contend with something that other cities do not have to contend with. In putting up these brick walls, on steel structures, you will come to a beam which will be perhaps eighteen inches, or two feet, and sometimes over, from the bottom of the beam to the top. You know the system of doing the work here is to get it up as cheap as possible. They will not even have the men go on the floor, but they will go to work and put some 2x4, or 4x4, and put planks on top of that, and put the bricks and the mortar on there, and that also raises it above the floor about six inches. Oftentimes in the cold weather, or in the summer season, it is pretty near as bad, they will ask a man working on that building, shivering from the cold, and oftentimes the poor workman does not work everyday, he loses half the time, and they will ask him to go up on those floors where he has to reach down two feet to do his work. Just like he was up on this table and had to lay brick down here. I will tell you one instance that happened about two years ago last winter, where one of our men got killed. He was working on a little bank building, the Second National Bank, I believe, at Twenty-eighth street and Fifth avenue, for the George Fuller Company. The man started to lay brick, and he had to reach down about two feet, and there was nothing around him to hold to. If he lost his balance, he would have to go. He fell down from the second story, and the man was killed. There should be some law provided for safety in cases like that. There should be a railing whereby, if a man fell down, if he would lose his balance, he could take hold of it. Sometimes those columns in a building are about eighteen feet apart, and you work in the center of them, and there is no flooring or railing at all. It is just the same as you would be if you were working up on the edge of this table.

Mr. MITCHELL.—If there had been a net on the outside, would it have saved him?

Mr. TREMBLEY.—Yes, or even a plank, whereby a man could put his hand on it until he got pretty near level with the floor. It is practically like putting a man on a table and having him reach to the floor to

lay bricks. He has to use both hands, and he is standing there unbalanced.

Chairman WAINWRIGHT.—The question came up yesterday about guy ropes. Should these men be provided with guy ropes on scaffolds?

Mr. TREMBLEY.—They will have about three planks on the scaffold, and they won't have any rope or screen on the outside of the scaffold at all, and oftentimes the workman is fifteen or twenty stories in the air, and if he happens to stumble, if there is nothing on the outside, down he goes. There should be a railing, or a wire screen on the outside of the scaffold, so that if a man tumbles, he would fall against that, and would not go down.

Mr. SEAGER.—The law of course requires that at present. Your point is that it is not enforced?

Mr. TREMBLEY.—It is not carried out.

Chairman WAINWRIGHT.—What you mean is that men work twenty stories up in the air without any netting or railing on the scaffolds?

Mr. TREMBLEY.—Yes, sir, oftentimes. Sometimes they do put a net on the outside, and sometimes I have to draw their attention, and they simply laugh and say, they will make a bluff, and say, "We will tell him we are going to do it," and as soon as he gets away they say, "He won't be around for two or three days, and we will get away with it."

Chairman WAINWRIGHT.—Is there any other suggestion that you have to make? Does any commissioner desire to ask any question?

Mr. LOWE.—Don't you think if these grievances were taken up by your various organizations during your sessions, and a representative of your organization should go to the employers, or to the contractors, with the complaint that these certain ordinances are not complied with, don't you think that in the majority of cases they would give it attention?

Mr. TREMBLEY.—There are cases where they would, and there are cases where they would not.

Mr. LOWE.—In other words, isn't there a reasonable amount of responsibility resting upon the members of your organization, and upon your organization, with reference to trying to bring about the enforcement of ordinances for the protection of your workmen? Don't you think it would be a good idea for you to bring up these topics and discuss them in your meetings, and try to get resolutions with reference to the representatives making complaints to your employers, or contractors, that such things should be remedied? You perhaps might

not get results in every instance, but would not that be the tendency?

Mr. TREMBLEY.—Perhaps in some cases you might, and oftentimes you would not get it.

Chairman WAINWRIGHT.—Why do men work on those scaffolds as high as that, or take such chances at that dangerous height, without this protection, where the law requires that they should have it?

Mr. TREMBLEY.—The reason is just in this condition in New York here to-day. We have about one-half of our men walking the streets, and if they get a day's work they are willing to take chances. When a man's family is pretty near hungry, he will take chances to provide a little nourishment for them.

Chairman WAINWRIGHT.—Mr. Gill, our attention has been called to section 80 of the building ordinances of the city as requiring the protection that you called our attention to. I understand you have read that section. Does it cover your point?

Mr. GILL.—It does not seem to me it is covered.

Chairman WAINWRIGHT.—Why not?

Mr. GILL.—It goes on to describe the kind of material to be used and how the composition of the floor is to be, the protection of the railing, wire netting, and so forth, but it has no reference that I can see there to protection from the men higher up. There is no protection from materials that may fall from above. One of the electricians may drop a wrench or something of that kind. We would like to have protection against those things.

Mr. BUTLER.—There is no trade working above while the brick work is going up. The only men above them are the iron men.

Mr. GILL.—That is not true. We know from experience it is otherwise. The electrician goes up there to string his wires. The steamfitter goes up there to put his stand pipe up. Sometimes the carpenter goes up there. In the modern buildings now the trades are all mixed up. I have seen four or five parts of a building going up at the same time. They might start on the fifth story, or on the fifteenth, or on the twentieth, or the twenty-fifth at the same time, or about the same time, with different gangs of men.

Chairman WAINWRIGHT.—I think we have the proposition now, and we will give it careful consideration as to whether the law now covers it, and if not, what should be done to meet the suggestions and criticisms that have been made. Now, is there anything further from the bricklayers and masons' craft that we can hear? If not,

we will take up your side of it, Mr. Gernon. Mr. Gernon wishes to say a word to us.

Mr. JAMES L. GERNON.—Gentlemen, I want to say on behalf of the conference of labor organizations of New York city, that in our study of this question we realize that the present laws are not adequate by any means, and we also realize that it is almost impossible to designate in the law just what is wanted. Each distinction and each specification means a law suit as soon as you try to enforce that particular feature of the law. It is for that reason that in our recommendations submitted to the Commission we tried to be as brief as possible, and to give somebody power to make certain rules and regulations. We believe that the employer is just as anxious to prevent accidents as the men are anxious not to suffer them, but it is true that many employers, those who, if they conducted the business, would take such precautions as to prevent accidents, at the same time have men in their employ that are driving this work to the point where they are not safe. There has been some talk about these sections in the labor law relating to buildings. I believe they should be rewritten.

Chairman WAINWRIGHT.—What sections do you refer to?

Mr. GERNON.—To the sections that relate to the protection of men on buildings.

Chairman WAINWRIGHT.—Now, Mr. Gernon, don't make such broad and sweeping criticisms as that, unless you or somebody is prepared to take that Labor Law and give us concrete suggestions. I would like to state that the Commission spent a whole day yesterday, eight hours in continuous session, in continuous work, going over the Labor Law section by section with the Commissioner of Labor, and we had practically every section under consideration, and if there are any views that anybody has to give, either on behalf of employers or on behalf of employees as to amendments to the Labor Law, in connection with the prevention of accidents and the securing of safety, we shall be glad to hear them.

Mr. GERNON.—We realize that it is almost impossible for this Commission to do this, in the shape we would like to see it done in, within the time the Commission has had. This conference has spent one solid year on this, and we know a lot about it. We have listened to the men and to the mechanics on every large building in New York, and we realize what the difficulty is. It is for that reason that we recommended that the Commissioner of La-

bor be given power to draw up certain rules and regulations having the same effect as law. Then it would be possible for the employer and for the employee to appear before the Commissioner of Labor—or before some other designated authority—and then they could establish certain rules and regulations for the conduct of work on buildings, which would protect the men, and which I believe would be perfectly satisfactory to the employer. We also make the same recommendations as to industrial plants. You can come out to-day and say that all printing presses shall be guarded, all the gears shall be guarded, but when you go in a printing office you will find one hundred different types of printing presses, in some places crowded up close together, and in other places you will find them twenty or thirty feet apart. In the city of New York ground is expensive, and loft hire is expensive, and the men will crowd all the machinery they can into a loft. We have difficulties here that they do not have in other places.

Chairman WAINWRIGHT.—You think the Commissioner for example, should have the right to prescribe rules with regard to spacing?

Mr. GERNON.—Yes, sir. I have had some experience on that. It is impracticable for anybody to say offhand or in law just how a certain machine shall be guarded. A great deal depends on how the machine is set up, and if the thing could be studied out in a practical and scientific way we believe we would get good results. Now, there was some talk about ladders. It is true that the ladders are not provided and that the men have to steal ladders from one another. The ladder becomes injured or damaged in some way and somebody suffers from it. We have gone into this matter of ladders to some extent. We did not want to burden this Commission with a lot of stuff that we found out. We believe if the thing could be carried out as we suggest these things would develop. It is not only the fractured ladder, it is the ladder that slips, it is the ladder that is placed near an open elevator shaft. Now, every one of these elevator shafts or openings where these hoists go through should be properly enclosed, at least on three sides, and with a guard rail on the fourth side. That elevator is a high speed elevator, and many of them are faster than any passenger or freight elevator in New York city. It is the highest speed elevator in the city, and if you could see the rapidity with which that hoist-hoisting elevator runs up through the building you would see how hard it is to get out of the way.

Mr. SEAGER.—The law now requires that those openings shall be guarded.

Mr. GERNON.—That is true, but it also requires that the Commissioner of Labor shall go into that building when somebody makes a complaint. There is a theory in this Labor Law which has been enacted. When there is a clamor for legislation they will give you the legislation. It is the policy of the people who are affected by it to defeat the administration or the enforcement of the law. The law is all right, they will give you the law, but not the means to enforce it. To my mind it would be better not to have it than to have it and not to enforce it, because it really creates in the mind of the people a contempt for law. The authorities have this law but they cannot enforce it because they can't get the help. Now, as to the covering of floors, there should be in the law or in this regulation established by the authorities such as we ask, that no man is permitted to work in the zone between the floor beams where they are not covered; and I agree with Mr. Gill that the net is a good thing, and every man who works in another class of employees should be protected. It should not be possible for anything to drop. If a man goes on a building to work it is the most likely thing in the world that he will drop his tools. Many of the tools are made of steel, and if it is cold, anybody who has had experience in handling steel in cold weather or in moderately warm weather will realize what the effect is on a man's hand. He is very apt to drop that particular tool. Now, we believe that a ladder—there are many ways to protect a ladder—we believe that every ladder used in a building, or on cement floors, or iron work should have a rubber cap on it, so it would be impossible for the ladder to slip. That is inexpensive and it would save many lives and many broken or fractured limbs. Some ladders are spiked, the ends of them have projections so as to keep the ladder from slipping, but on a cement floor it will slip. If there is some grease there, or any substance like that on the floor, it will slip. If the ladders had rubber on them they would stand on a wood floor and on a cement floor. Now, as to scaffolding, such as a bricklayer works on, or any other mechanic, even the ordinary scaffolding that is used by a painter or any other mechanic that has to work on the outside of the building, the law should compel the owner of that scaffolding to see that it was guyed to the building, that it should not be permitted to wobble. There are more painters falling off scaffolds that are in compliance with the law than there have been accidents due to improper scaffolds. They provide

a rail on the scaffold but a man can stumble and fall through the rail and fall to the street. The scaffold will swing away from the building and the man will fall, and maybe his weight is sufficient to push the scaffold out from the building, and he falls between the scaffold and the building.

Mr. GILMOUR.—It is provided in some section of the law that they shall be anchored so as not to sway.

Mr. GERNON.—I want to say this in passing. During the past year I have observed window cleaners. Of course that does not affect the building trades—and I have come to the conclusion that a man who will go out on a window to clean a window without a safety belt should be locked up. For my own benefit I have watched them. I have seen many men with the belts around them and equipped with the device to hold the belt, and yet you will find men ten or fifteen or twenty stories up in the air with no belt at all, and in the last week I have seen four men step from one window to another from the outside of a building without a belt. Now, the employers may not furnish the men with belts, but they should be compelled to do it, and the man that would not use a belt should be locked up.

Chairman WAINWRIGHT.—What do you think generally on the subject of the man who is provided with a safety device and does not use it—what should be done to him?

Mr. GERNON.—I believe if a safety device is provided and is not used there should be a penalty. I know of one establishment in this city where they employ the largest number of pattern makers in the country, and the pattern makers protested against the guard for a circular saw, because with the guard there was a greater possibility of accident. The guard had been ordered as in compliance with the law, and the firm tried to comply with the law. The firm realized the difficulty. You cannot protect a circular saw in all instances. A great deal depends on the character of the work and we believe for that reason—that is why we made that portion of the recommendation that the Commissioner of Labor should have authority to say what kind of a guard, after thorough investigation, to put it on some work. A great deal depends on the work. In some kinds of work you can have a guard on it, but in different kinds of work you cannot have a guard, because the saw does not project through the piece of lumber. If the ground is a proper one and then a man will not use it, he deserves to be punished, but the real

thing is to get the proper device, because now many of them will provide any kind of a subterfuge. Now, I have in mind something that we believe, at least the conference, and I know the Commission does—I believe the employers want to prevent industrial accidents. I don't see that it is to anybody's benefit to have an accident. Even the paltry compensation that a man may get under this law would not justify him in being injured, because it would not pay. It is better for a man to have his health and to enjoy the benefit of working and earning a living at his occupation. We have in the city of New York public lectures in the public schools and many of them are farcical. They are on subjects that are of no interest to anybody, and some people have even gone so far as to say that they are used for the purpose of giving somebody some employment in the evening. I believe that this Commission should recommend to the board of education of the city of New York, and to all cities in the State, that the question of the prevention of industrial accidents be made a subject of lectures, and that they be held in our public schools where possible so that the people can become acquainted with these devices. Some of the workmen know they get injured and some of them could tell you how the accidents could be prevented, but others could not. If that means were employed I think more people would know about it than know about it now. I realize that this Commission has not power to establish such a thing as that, but it might do it by recommendation.

Chairman WAINWRIGHT.—What do you think of the subject of greater activity in the unions themselves?

Mr. GERNON.—I agree with that. But it is all very well to say what the unions should do, but you should bear in mind that the whole of the time they can get together in their meetings they are kept pretty busy. The conduct of the organization itself requires a lot of intelligence, and it is just as much as we can do the one night a week to get through with the business that actually comes before the organization. We have got to go through a certain amount of business, pay sick benefits, and pay men who are disabled, and we have other things. The great trouble with this country to-day is, and we do not realize it, we are going to fall away behind Germany and some other European countries, for in a short time we will have no mechanics. We will suffer from a lack of proper mechanics. It is not a question of making a mechanic, it is a question of making a machine that will turn out work, regardless

of character of any kind. The union is not to blame by any means. I believe that the unions can do a whole lot to bring this about, and it was for that reason that we suggested that all machines that were dangerous, all machines that showed any element of danger, that there should be placed a sign in the vicinity of that machine, with the name of the Commissioner of Labor, and, if necessary, a section of the law calling their attention to the reporting of these accidents. I believe if we had these public lectures, the average person going through the streets, if they saw a violation of law, would report it, and I believe it is the duty of everybody to report such things. People say you should mind your own business, and that is true, but it is our business whether the industrial life of this country is to be maimed and injured, or whether it shall become better. If there were notices of that kind we would find many more complaints on buildings. It is not the unions' fault by any means. Years ago I could see it in my own business — years ago we worked with the men who owned the business, but to-day we do not. We work with a fellow who has been put there by the corporate interests, if it happens to be a corporation, and he is told to drive. He is restricted in this way. I remember in one company when there was a reduction of wages in a certain class, and I had the duty of going in and talking to the superintendent of the place, and he says to me, "Well, it is just this way: I have a pretty good job here, and my orders from the directors are that I shall reduce the expenses. Steel costs so much money, I don't regulate the price of it; lumber costs so much money, I don't regulate the price of that," and so on down, and he mentioned every commodity used in that particular business. He says, "The only way I can save it is to reduce wages." Now, if the organizations do not regulate that commodity it is where the saving will be made. If a man goes on a building, he may be the boss of the bricklayers, he is trying to show how many cubic feet of brick he can lay for how little money. The result is that he speeds up the men, and when you speed up men you increase the possibility of accidents. I want to say this about inspection: I do not believe that it is necessary to inspect a building daily for the prevention of industrial accidents. I believe that if the law or the regulations reached buildings the employers themselves would realize the necessity for it, if there was a sufficient penalty. I think the most farcical thing in the Labor Law is the penalty of twenty dollars. I have had some experience on that,

and I know the twenty dollars fine, or a suspended sentence — especially the suspended sentence — has no particular effect. They will say, "This is not very serious; probably I can repeat this."

Chairman WAINWRIGHT.— Our attention has been called to the fact that it is difficult to secure convictions in the courts here in this city, that the magistrates will generally suspend the sentence, and that something should be done about that.

Mr. GERNON.— The trouble with the magistrates in Greater New York — not all of them, some of them are all right — but there are a lot of them more politicians than they are magistrates. There is no dignity in the court, and it is the fellow that can wield the most influence that gets the most benefit.

Chairman WAINWRIGHT.— In other words, our attention was called to this state of facts, that in the prosecution of these offenses, they were not instituted until every kind of warning had been given, and that on the certain day the magistrate would also suspend the sentence on that particular charge on evidence that the conditions had been remedied.

Mr. GERNON.— There is no prosecution unless the employer has had notice and has failed to comply within the time to comply. Usually there is a time elapses between the Magistrates' Court and the Court of Special Sessions, and almost invariably it is a question of providing closets or other things, and the defendant walks in the court and says, "I have complied," and the sentence is suspended.

Mr. GERNON.— In very many cases the owner is not really responsible. He is responsible as the owner, but it is not through his actual neglect. It may be his superintendent or his foreman, but under the law he is responsible. I think the first fine should be fifty dollars, but I think when you come to a second offense it should be a serious proposition. Many men violate the law through ignorance, there is no question about that, so I don't think the penalty for the first offense should be so serious.

Mr. GILMOUR.— I would like to ask what you think as to the necessity for the inspection of buildings in the course of construction in New York city. You do not believe that an inspection would be necessary daily, or, perhaps, every second day?

Mr. GERNON.— No, I do not. I think if it was put in the Department of Labor — they inspect on a territory system, like a district or a subdistrict, to a large extent. They couldn't do it practically, because they have no help. Once the Commission asked me how many inspectors I thought should

be in the Department of Labor, and I said 300, and I want to repeat that, because there is no use in having inspection unless you have inspection, and there is no use in holding anything for the enforcement of law unless he has sufficient force to enforce it.

Chairman WAINWRIGHT.—What do you think would be done to a recommendation that we might make to increase the force of inspectors to 300?

Mr. GILMOUR.—If the inspection of buildings were recommended to the city of New York, do you think one good capable inspector could inspect twenty-five building operations in a day?

Mr. GERNON.—No, sir. A good deal would depend upon the character of the building. An inspection would mean that the inspector would have to go over every portion of that building that was being erected. The building might be three stories high at the time of the inspection, or twelve stories high, and some of them might be twenty stories high. I believe there should be a reasonable number for a beginning at least, and I think that as soon as the builders knew there was inspection, with a sufficient penalty, they would be more careful. They themselves would begin to comply with the law. To-day it is nobody's business particularly. There are some ordinances in the city that put it up to the Building Department, and then there is a State law that says that the Commissioner of Labor shall inspect on complaint. The Commissioner of Labor has not a sufficient force to inspect factories properly. A place that might be all right to-day, and is inspected and found all right, in a month it may be all wrong. They change things around. You want to realize that in the equipping of an industrial plant with machinery there are many changes during a year. They may change from one department to another. They may take down counter-shafting, they may take off some protection when they change the machinery, and they may fail to put it back.

Mr. GILMOUR.—It would take an enormous force of inspectors properly to go over every building constructed.

Mr. GERNON.—I don't see. It is easy to determine the average number of buildings carried on in New York city, and I think that it would not take a great number of men to properly inspect the buildings, if these buildings were inspected once a week, which would be much better than no inspection at all. Possibly if they were inspected once a month it would be much better than it is to-day. If an inspector found a violation he would serve notice

on the owner of the building, and the owner would know that it was necessary, as long as the construction of that building was going on, to comply with that request, so the inspector might come back in two or three months, and if he found a violation, and then there was a prosecution, you would soon find a change in the conditions.

Mr. FRANK E. CONOVER, President of the Commission Builders' Association, appeared before the Commission.

Chairman WAINWRIGHT.—You have been present here during the morning, and have heard the suggestions, and the views that have been expressed, and we would like to ask you to give us your views with regard to the suggestions that have been made to us, and also any general views you may have to give us as to what the State can do in this field of prevention of accidents, so far as it relates to your particular trade.

Mr. CONOVER.—I had no idea of saying anything when I came here. I merely came with a desire to learn. The most difficult statement to controvert is a statement that has some truth in it. There has been a great deal said here to-day that has considerable truth in it, and there have been a great many exaggerations of the conditions, that, to my mind, absolutely weaken the statements. So far as the scaffold is concerned, and that applies to the brick work of the building, I want to say this, that the members of my association are as concerned and as desirous of having accidents prevented on their buildings, are as desirous of having all devices which will prevent accidents on their buildings—even more so than the men themselves. We try as far as we can to carry out the law absolutely, and we try so far as we can to prevent accidents to our men, but the men themselves must use a certain amount of human intelligence working with us to prevent these accidents. A man can build a scaffold, and in building that scaffold he must assume a certain responsibility for the condition of that scaffold after he has built it, when he is going to work from it. If he builds that scaffold carelessly, and an accident occurs to him because he built it carelessly, in any particular, that man should himself be responsible for the accident to himself, and not his employer. If I furnish scaffolding material of the best character, and a man puts it up in an improper way, I should not be held responsible for that. If the scaffolding that I furnish to him is not of good character, and breaks, that is my fault, and not his. There should be a distinction made between the responsibility resting upon the employer and

the responsibility resting upon the working man himself. Referring to the statement made in regard to the outside scaffolding, and putting netting and guards on the outside. I venture to say 90 per cent. of the outside scaffolds of the city are protected in accordance with the law. If any of those who are affiliated with us knows that this law is not being carried out, it is his place to see that it is carried out. I want every member of my association to carry out the law, and if he fails to do it I want to see him punished.

Chairman WAINWRIGHT.— We have had the criticism made before us several times that there is hardly a large building in this city that goes up unless there are a great many violations of the law.

Mr. CONOVER.— Possibly that may be so.

Chairman WAINWRIGHT.— Why is that?

Mr. CONOVER.— That I cannot answer, but I doubt that statement. There may be some violations, there are without doubt a good many violations, but when it comes down to the cardinal point of the scaffolding, I deny that they are so openly violated. I am speaking now of my own line—I cannot speak for the electricians, nor for the painter, but I am speaking of the brick work of the buildings. There are exceptions, but the majority of our members are not willing to take chances of having the law broken, and having our men injured. We take no satisfaction in having our men hurt we want to have them continued in good health, and without broken legs and arms. There is not the great neglect on the part of the mason builder that many try to make out. We want them protected, and want to do all we can to protect them, but there are certain conditions over which we have absolutely no control. I came near being killed a few years ago by one of my own men building a scaffold imperfectly. I fell, and then I told the man to rebuild the scaffold. I was away and couldn't watch him, and what do you suppose that man did? He built that same scaffold in the same identical way as he had built it before. Now what are you going to do? That man had to be discharged. What are you going to do with such people if they will not use a little judgment? I hold to it that the working man himself assumes a certain responsibility, a certain risk of the trade, when he accepts employment in my employ. That is all. I should not be held responsible altogether for the accidents that occur to him when he is a contributory agent to that accident.

Chairman WAINWRIGHT.— How about the enforcement of the building law as you understand it by the city authorities?

Mr. CONOVER.— I think they are not properly enforced.

Chairman WAINWRIGHT.— Why not?

Mr. CONOVER.— Ah, I cannot tell you.

Chairman WAINWRIGHT.— Do you know?

Mr. CONOVER.— No, I don't know.

Chairman WAINWRIGHT.— Are you willing to give us your views on the subject?

Mr. CONOVER.— I have none, I simply know they are not. I believe that the Building Department to-day is hampered because they have not a sufficient number of inspectors. I think that is one large reason why the code is not better enforced.

Chairman WAINWRIGHT.— How often, as a rule, do the building inspectors come around on a large building going up in the city?

Mr. CONOVER.— They are supposed to be there every day or two, but I know, if I remember distinctly, the district of the iron inspector—I may not be precisely correct on the boundary—as nearly as I can remember, the district extended from, I think 42d street to 59th street, and from the North river to the East river, and that was during the time when the Times building was going up, and the Hotel Darlington, and other large structures. Now, it is physically impossible for one man to inspect a district of that size, and do it as it ought to be done. This is no reflection upon the man; it is a reflection, if you will, upon the Board of Estimate and Apportionment and that did not give the necessary men at that time to the Building Department, or give them the necessary amount of money, for them to employ the necessary number of men. I think the great cause of poor inspection is that there is too much territory to be covered by the men.

Chairman WAINWRIGHT.— Isn't it also the case that the inspector is inspecting more with reference to living up to the plans and specifications than with reference to these questions of safety?

Mr. CONOVER.— That is absolutely so.

Chairman WAINWRIGHT.— And city inspectors, as a matter of fact, do not pay much attention to these safety regulations, do they?

Mr. CONOVER.— Not to my knowledge, and my experience goes back for thirty-odd years.

Chairman WAINWRIGHT.— That has been the criticism of the men who have come before us, and now you make it, and we have asked the department to come here, and they have not come, and we must assume that it is so.

Mr. CONOVER.— I am not in any way criticising the Building Department, I am

friendly with the Building Department. If they inspect the appliances, all I can say is that in my experience my attention has never been called in a single instance by a building inspector to the scaffolding or appliances on any of my buildings.

Chairman WAINWRIGHT.— Would you say that there was no cause, that that was the reason, or was it because they did not inspect?

Mr. CONOVER.— I would say in the first place that there was no cause for the inspection. I am perfectly ready at any time, with any duly authorized agent, to have them inspect any of the scaffolds that are on my buildings, but I want it that that inspector shall be a practical man, and not a man who is kept in place because of political influence. That is all. He should be a practical man, and a man who does not stand with his hand behind his back.

Mr. SEAGER.— What you said seemed to imply that the men who work on the scaffold were the men who build the scaffold. That is not the case, is it, ordinarily?

Mr. CONOVER.— On very many jobs today they have what they call scaffold builders. My principle has always been to a very great extent that bricklayers themselves should build the scaffold. I want the man to build the scaffold that is going to work on that scaffold. Of course there are many times when you cannot do it, but my principle has always been that the man who is going to work on the scaffold should build it.

Assemblyman PHILLIPS.— Without regard to whether the men are experts, or not?

Mr. CONOVER.— I presume that a man who has learned his trade working at it for four years, by the time he is a journeyman, he ought to know whether that scaffold is right or not, and since he has got to work on that scaffold, I should prefer that he should see to the scaffold himself. Of course that is not the rule that obtains today, but it did obtain much more ten years ago. Now we have what we call expert scaffold builders, but the man is criminally negligent who uses that scaffold if he sees that the scaffold is not right and then goes on to it. It does not take long to see whether it is right. A man does not need fifteen or twenty minutes to find out whether a ladder is in perfect condition or not. He should see that it is right before he uses it.

Assemblyman PHILLIPS.— When you step on a railroad train, you don't stop to examine and see whether everything is all right or not. You assume that everything is all right.

Mr. CONOVER.— But if I were the engineer running that train, I would certainly look over my engine first before I ran it, absolutely. In other words, when I am jeopardizing my life, I want to know that the thing is nearly right when I take hold of it, and I think the same thing should obtain with the man working on the scaffold.

Chairman WAINWRIGHT.— Isn't it arranged so that on all these operations there is a foreman somewhere?

Mr. CONOVER.— Yes.

Chairman WAINWRIGHT.— Should not it be the foreman's duty, with regard to the ladders, to see that the ladders are safe, and also with regard to this question of scaffolding? Should there not be some one charged with that responsibility?

Mr. CONOVER.— I expect my foreman to see that things are all right.

Chairman WAINWRIGHT.— Meaning that you hold him responsible rather than the man himself? Is not it human nature that the man who is going to do the job will be a little careless, and can you hold him to any degree of responsibility when he takes the chances? Isn't he going to do that, and hasn't he got to be saved from himself? This is not a question of money, it is a question of life and limb.

Mr. CONOVER.— I hold my foreman responsible.

Chairman WAINWRIGHT.— Are not most of these questions questions for the foreman?

Mr. CONOVER.— They are, excepting when a man goes on a scaffold and sees there is something wrong with the scaffold.

Chairman WAINWRIGHT.— I don't believe anybody would disagree with you on that proposition.

Mr. CONOVER.— If he goes on a scaffold where a trap has been built, he is not doing what is right to himself.

Chairman WAINWRIGHT.— I think everybody would agree that if a man on a scaffold that is not safe, if he sees that it is not safe, and goes out on it, he is wrong.

Mr. CONOVER.— Absolutely.

CHAIRMAN WAINWRIGHT.— Have you anything to say with regard to Mr. Gill's suggestion about those nets?

Mr. CONOVER.— I say they are not practicable on the outside scaffolding.

Chairman WAINWRIGHT.— The other day it was brought to our attention that in the construction of these buildings for the New York Central Railroad up there, the contracts required that nets of that kind should be used, and that such nets are being used. Our attention was called to that by the president of one of the casualty

companies. He made a suggestion that that should be a requirement of the law, and called our attention to the fact that one of the biggest building contracts in the city here to-day called for it.

Mr. CONOVER.—I would say this, that it is possible to arrange such a net under them, but I say on the other hand that the accidents which occur on front scaffolds are a very, very small percentage to the number of men working. It is only an unusual thing for an outside scaffold to give way.

Chairman WAINWRIGHT.—How about the dropping of material?

Mr. CONOVER.—It never drops from the outside, it only comes from the inside, and drops out. A man working on the front of the building—there is nobody working directly above him. Something may be dropped on the inside, and strike a beam, and bound out. It is a very unusual thing for a man working on an outside scaffold to have a man working above him.

Chairman WAINWRIGHT.—Now, Mr. Conover, you are president of a pretty important organization here in the city; can you give us from your experience any suggestions as to what the State could do in this matter?

Mr. CONOVER.—At present I can not. I did not get this notice until last night. At the present moment I have nothing that I can suggest to you. I think the idea of the inspection of scaffolding is a good idea.

Chairman WAINWRIGHT.—How about giving the State a more direct jurisdiction over these questions than it has now?

Mr. CONOVER.—I have no objection to that at all, with this one proviso, that it be done by practical men, outside of political influences. It is political influence that I am fearful of, and I speak from a little experience.

Senator PLATT.—You would not fear a man taken from a civil service list, would you?

Mr. CONOVER.—I would rather have a real practical man who might fail to pass a civil service examination as an inspector, than I would a good many of the men taken from the civil service list. I know cases where practical men, men that knew their business absolutely, would have fallen down most miserably in a civil service examination, and I would rather let my life depend on what that man passed on than I would on many of those who passed the examination, because many of the questions asked in the civil service examinations are absolute rot so far as they pertain to the subject for which that man ought to be thoroughly qualified.

Senator PLATT.—But you would not fear political influences from a man taken from a civil service list, would you?

Mr. CONOVER.—No. The principal criticism of the civil service is that based on the character of the examinations.

Chairman WAINWRIGHT.—You are not criticising the general method of securing men by some civil service test. Your criticism is of the character of the test applied.

Mr. CONOVER.—That is it. To my mind a man who is going to be examined as to his capability of filling a certain position, my idea is that the questions propounded to him should be absolutely on the lines of the business that he is going to follow. I don't want him to know what the longest river is in Europe, or the highest mountain in the world, I want him to know what will constitute a good scaffold, and what will prevent the collapse of that scaffold. That is of more importance to me than the majority of the questions which are asked.

Mr. SEAGER.—Have you seen the recent civil service questions in connection with inspectors in the Department of Labor? We have been advised that there has been a great deal of improvement, and that the questions are more practical than they used to be.

Mr. CONOVER.—I am glad to know that. The questions propounded should be along the lines of the man's chosen occupation. That is all. Under those conditions I should be in favor of the inspecting of scaffolds by men who will pass such an examination.

Mr. SEAGER.—This question comes down to whether the people of the State of New York are willing to bear the burden of expense. Speaking for your organization, do you think that would be a desirable point at which to increase the expenditures of the State?

Mr. CONOVER.—I have no objection to the expenditures of the State for any object that is going to benefit the mass of the people of the city in which they are living, or are interested. To my mind, that is the duty of the State.

Chairman WAINWRIGHT.—Then would you say that a question like this, which involves the security of life and limb, is one which would justify such expenditures, and that the State could not find a more worthy object?

Mr. CONOVER.—I say so absolutely and unreservedly. I think it is the duty of the State, but what I do not like is to try, as has been done in so many cases, to shift the responsibility absolutely to the shoulders of the contractor. I believe that that respon-

sibility must be in a measure a divided responsibility. You take away from a man responsibility, and you take away from that man all effort to protect himself. Put responsibility on a man, and you will get better service. Put responsibility upon the working man, and he is going to protect himself better, and see that the appliances are in better condition; but if you are simply going to make a machine of that man, if you say to him, "There is that place up there, go there and get the work done," utterly regardless of the surroundings, you take away from that individual, and you lower the man's grade. Make a man feel that he is in a measure responsible, and you are going to get better results than if you take away his responsibility and shift it to the shoulders of the employer.

Mr. GILMOUR.—Is not this question of the responsibility of danger in building, and the use of scaffolding, subject to a difference of opinion as between the foremen and the workmen?

Mr. CONOVER.—Wherever you get two men, you will always find a difference of opinion.

Mr. GILMOUR.—You have said that a man who uses an unsafe scaffold should be criminally liable, if he knew it to be unsafe and he then used it?

Mr. CONOVER.—Yes, sir.

Mr. GILMOUR.—Suppose he was discharged by the foreman and he comes to you, whom would you uphold?

Mr. CONOVER.—If the man was right I would uphold him to the last letter.

Mr. GILMOUR.—How would you find out which was right?

Mr. CONOVER.—I would have means to find out.

Mr. GILMOUR.—Why would it not simplify matters if you were to issue an order that the men should not go on a scaffold if they thought it was not safe?

Mr. CONOVER.—I have always told my men that. If I know it I won't allow them to do it. I am just as zealous of the well-being of the men that work for me as I am for myself. That may sound a little queer, but it is the fact. I don't want the men in our employ to take a risk that I am unwilling to take myself.

Mr. GILMOUR.—Would you not be a little annoyed about the loss of time due to the controversy?

Mr. CONOVER.—Not as much as the worry of mind after the thing happened. I would rather lose the time in the first place than take the time about the damages.

Mr. GILMOUR.—But would that feeling come over you until after the thing had happened?

Mr. CONOVER.—Yes, I never want a man to go where I won't go, or to do what I have not done myself.

Mr. GILMOUR.—A man may feel that he is reasonably safe or that he may not be safe. I know engineers taking locomotives out on the road that they have spoken to the master mechanic about, but the master mechanic has told them that it is perfectly safe, and if they refuse to go out they are discharged.

Mr. CONOVER.—That is true. But what I mean is this: I may have gone to an extreme. If there is anything about a scaffold that strikes a man as being wrong he ought not to work on that scaffold. I would not do it.

Assemblyman PHILLIPS.—In the ordinary carrying on of work somebody has to assume responsibility.

Mr. CONOVER.—Certainly.

Chairman WAINWRIGHT.—Have you any objection to looking at the scaffold we can see from this window and say whether that is a safe scaffold or not?

Mr. CONOVER.—I can't tell from here.

Chairman WAINWRIGHT.—What is your point with regard to that, Mr. Horahan?

Mr. HORAHAN.—It is built right up on beams and on planks.

Mr. CONOVER.—It is built on outriggers—it depends on the size of the outriggers.

Chairman WAINWRIGHT.—Is that a violation of any law or regulation?

Mr. CONOVER.—Not to my knowledge.

Chairman WAINWRIGHT.—It is a scaffold projecting from the fifth story of a building, with two pairs of horses upon it, with a floor at the top evidently for somebody to stand on and work, and without any railing of any sort.

Assemblyman PHILLIPS.—The law does not require a railing there.

Chairman WAINWRIGHT.—Would it not be a good plan for the law to have some provision with regard to a situation such as we see there?

Mr. CONOVER.—I think it would depend on what it is for.

Chairman WAINWRIGHT.—Does the law with regard to the demolishing of buildings—do the provisions of the law with regard to scaffolds, and so forth, apply to the demolishing of buildings as well as to the erection of buildings? In other words, are the men engaged in a dangerous profession who take down buildings, and are they protected in the same way?

Mr. GILL.—No, they are not.

Mr. CONOVER.—I think the suggestion made a little bit earlier in the session, that these questions be taken up between the

representatives of the unions and the arbitration boards, is a very healthy suggestion.

Chairman WAINWRIGHT.—Do you think you, as an employer, and other employers, would resent power being lodged in the Commissioner of Labor, to whom you report your accidents to-day, to prescribe rules relating to safety, in addition to these positive provisions of law, or ordinances?

Mr. CONOVER.—I would not want to give to any man the unreserved right to frame any such statute.

Chairman WAINWRIGHT.—You can hardly conceive of an unreserved right, because anything he might do would be subject to review if it were unreasonable. But, assuming that the power is to issue reasonable rules, do you think that the employing builders generally would resent the lodging of such power as that in the Commissioner of Labor, or in any State authority?

Mr. CONOVER.—I cannot speak for my association, but I can answer you personally, that I would not want it, for the reason that before such a thing would be enacted I would want the right to appear before the Commission and give reasons for or against it.

Chairman WAINWRIGHT.—We assume that no rule would be issued by the Commissioner and that the power would be so qualified that no rule could be issued by him unless after a hearing.

Mr. CONOVER.—Would not those rules be subject to change by him at any time?

Mr. SEAGER.—The suggestion has been made that they have the force of legal regulations only after a considerable length of time, and when approved by the Governor as well as the Commissioner of Labor, and that preceding their issuance as legal regulations a full and fair hearing be had, so that all those affected may come forward and present their views, with the idea that they would be the result of a conference, rather than the arbitrary action on the part of the Commissioner of Labor, taking it for granted that in this matter all interested unite in the desire to prevent industrial accidents.

Chairman WAINWRIGHT.—And understand that power would not apply to your particular trade only, but would be a general power vested in the Commissioner of Labor to make shop rules.

Mr. SEAGER.—That is the English system to shape the law to meet difficult situations where general legislation would hardly be possible.

Mr. CONOVER.—I am fearful of it, not that I am not very ready that all the rules that are right and fair should be enacted, but I am fearful that it might be abused.

I think if the unions have not the time at their regular meetings, and I know they are fairly busy, there is no reason under heaven why they should not have other meetings called for the consideration of these things. I cannot speak for other associations, but I will say this, and I speak from a good many years' experience on my own arbitration board, there has never been a case brought by the representatives of the bricklayers in regard to a violation of the provisions made in the agreement in regard to scaffoldings that has not been absolutely considered by the arbitration board. We are ready to do it at all times.

Mr. EDWIN OUTWATER.—I fully endorse what Mr. Conover has said in regard to the scaffolding, and in regard to the responsibility. It seems to me that we would go a great way toward lessening accidents if there were more unity in the various trades that are engaged on a building together as a unit. Now, as matters stand to-day, the man that assumes the contract, or the principal part of the contract for a building, is the man that is assumed by the various trades to be responsible. Now, if the responsibility was felt by the steamfitter, by the plumber, and by the electrician, just the same as the general contractor feels his responsibility under the law, I think it would help a great deal. A good illustration was given by Mr. Clark, I believe, about how the various trades and the workmen in the various trades consider their relations toward an accident, in regard to the window cleaner. You will see a window cleaner with the belts and all his appliances, and he won't take time to fasten that belt around himself, but he will stretch from one window to another. In these various trades working on a building very often the employer does not furnish any scaffolding to them at all. They say they have to steal the ladders. Whose ladders do they steal? They steal our ladders.

Chairman WAINWRIGHT.—You mean by "our ladders," you mean the electricians steal the painter's ladder?

Mr. OUTWATER.—I mean the builder putting up the building is responsible for it. If they steal ladders—now I don't say they do—but they have to do that instead of their bringing to that place their own material to complete their work.

Chairman WAINWRIGHT.—You understand that the word "steal" is not used in any invidious case. It means they borrow them, like people borrow umbrellas.

Mr. OUTWATER.—We often find our ladders taken away from where they should be and used somewhere else, and there are not appliances enough furnished by the men

in these various trades to protect them, and the men ought to see to it.

Chairman WAINWRIGHT.—You heard what they said, that if they see about it in the sense that you mean they will lose their jobs.

Mr. OUTWATER.—They should make a complaint to their boss if they have not got the proper appliances to do the work. If the employer that employs them felt the same responsibility that we feel that are responsible for that building as a general contractor, he would feel it was up to him to pay some attention, and he pays very little attention possibly in these various branches of trade, because he doesn't feel that he is responsible for the accidents to his men, so much as the general contractor, who is generally the man to be sued. I was in court here the other day in a suit that was brought against me through the action of an employer of a man that was a contractor on that building, assuming that I was the general contractor, but I didn't happen to be in this case. If the scaffolding had been provided for this man, and he had taken time to erect the scaffold, I don't think the accident would have happened. In my opinion the men themselves should see that their employers furnish to them the proper tools or the proper protection that they ought to have.

Chairman WAINWRIGHT.—Apparently they would have to go higher than the foreman.

Mr. OUTWATER.—If a man came to me and said that I did not have enough scaffolding, or did not have proper rope, I would be glad to hear him, and I think any one of us would be glad to hear him, and if a man attempted to use a plank or rope that was not good, that man should be discharged, and would be discharged by any one of the general contractors, I believe, that is with the Mason Builders' Association to-day. We want to know it, but the trouble is there are more accidents in the minor trades than in the mason builders. It is seldom that you hear of an outside scaffold giving way, but you do hear of these minor accidents inside, and nine times out of ten it is due simply to carelessness. Now, possibly there is a want of material on the ground to protect these men. It is up to the men to see that that material is on the ground, and I am satisfied that we that feel the weight of responsibility are mighty glad to have our men come to us and tell us.

Mr. GERNON.—Don't you believe that the Commissioner of Labor, by conferring with the employers and with the employees, could work out a set of rules and regula-

tions, applying to each particular trade or industry, that would have a tendency to improve the efficiency?

Mr. OUTWATER.—That is my idea exactly. Work out in the different trades, so that the employer in that trade feels that he has some responsibility, and will not feel that the general contractor is the man that has all the responsibility.

Chairman WAINWRIGHT.—In other words, I understand Mr. Gernon's point to be this: In place of leaving the question of rules to the judgment of each contractor, that there might be formulated with regard to each trade a general set of rules.

Mr. OUTWATER.—That is the idea exactly, and let the employer in the different trades feel that he has some responsibility.

Mr. GERNON.—With the understanding that these rules only apply to the prevention of industrial accidents.

Chairman WAINWRIGHT.—That is understood.

Mr. A. J. POST (of Post & McCord Structural Iron Works).—I do not think I have anything special to say that has not been covered by Mr. Conover and Mr. Outwater. I think our trade has more accidents than any other trade in the line of building trades, or in any other trade. We keep very careful statistics, and we try in every way to prevent accidents, and we think we take every precaution.

Chairman WAINWRIGHT.—You have been here. Have you anything to say by way of dissent, or have you anything to add to what has been said?

Mr. POST.—There have been some suggestions made which I think are quite impractical. For instance, nets under scaffolds. If a scaffold gives way, the net will go with it.

Mr. SEAGER.—The nets in the case of the New York Central buildings are supported independently.

Mr. POST.—I think all it would stop would be some small articles falling.

Mr. SEAGER.—We have been advised that it has stopped a man already. That is hearsay; we don't know the fact.

Mr. POST.—It is very unusual for any of these men to fall unless they are hit, or fall with some material, or there is some defect in the rigging, or something of that kind. I don't know of any case where a man has fallen off a scaffold. On our riveting scaffolds we could not put an outside protection, because the man has to have room to swing his hammer.

Chairman WAINWRIGHT.—Do you dissent from the views expressed by Mr. Outwater and by Mr. Conover?

Mr. POST.—No.

Mr. SEAGER.—What would be your opinion as to the feasibility of working out regulations for each one of these hazardous trades through conference between the employer and the employee, and after due consideration giving them the force of legal regulations in some way so that all can be held up to the standards that a right thinking manufacturer is there to live up to?

Mr. POST.—It sounds like a practical suggestion to me. I think it is one way we could get at it practically, to have the men directly interested offer their suggestions. If the workmen make any suggestions of that kind, which in the end is the report of the conference, I think the workmen ought to bear the responsibility, so far as they are concerned. I think the whole thing should not be thrust on the employer. Our workmen have to make their own scaffolds, and we take the responsibility for defective materials in every way. We inspect it carefully, and we try to give them the best grade of materials, rope and everything, but the men that are going to use that scaffold have to build it, and in most cases it is beyond the supervision of the foreman, because the foreman may be on the top of the building, and the scaffold may be being built by four or five different gangs of riveters, two or three stories below, and he cannot watch them.

Mr. GILMOUR.—You say you try to give them the best material in the way of ropes, et cetera. Have you any system of getting your information as to the condition of the ropes and apparatus?

Mr. POST.—Yes, we have an expert rigger, we have a yard. After every job is finished, all the material goes back to that yard and is inspected carefully, and no material is sent out unless it is in good condition. That rigger is out every day around the buildings, and he covers nearly every building every day.

Mr. GILMOUR.—His instructions are to condemn anything that he finds is not in good shape?

Mr. POST.—Yes, sir. We have had only one case of a scaffold falling from defective rope. It was due to a man being too lazy to go to the tool box and pick out a good piece of rope. He took a piece that he found around the building somewhere.

Mr. GILL.—I wish to state that many times the booms of derricks, the old-time derricks, used to break. Many times, in our modern derricks, the iron beam gets loose and falls from its fastenings.

Now, with reference to the statement made by Mr. Conover that he would like to have bricklayers inspect the work of the

scaffold, I would like very much to know if he inspected every scaffold, how much he would work. He would not work to the satisfaction of Mr. Conover. I do not doubt Mr. Conover's sincerity when he says so, but it is left to men that makes those scaffolds, laborers, scaffolders, and the bricklayers have nothing to do with it. It used to be so years ago, the bricklayer did a little of that, and took a more active interest, but how is the bricklayer to inspect what is underneath the flooring? He cannot see it, unless he goes on the next story, or reaches over. Say that there is a scaffolding here, and a thrust out, similar to that over there, and the men are told to work on the building, you can't tell whether the timber is defective underneath the sheeting or not, unless you get underneath the scaffold to inspect it.

Mr. CONOVER.—I was talking about inside scaffolding.

Mr. GILL.—You said scaffolding in a general way. You didn't say inside scaffolding.

Mr. CONOVER.—How many scaffolds are there on the outside in proportion to those on the inside?

Mr. GILL.—I can't tell.

Mr. CONOVER.—Not 5 per cent.

Mr. GILL.—In relation to the scaffolding outside, where the most danger is, they hang or are suspended maybe two or three or five stories over that scaffolding on outriggers, and on that, as part of the composition of the scaffold, depends the safety of the scaffold, as well as the cable, and the sheeting of the scaffolding, and the horizontal pieces which the scaffolding rests upon. Upon all these parts depends the safety of the scaffold, so if the bricklayer had to inspect all of these parts, you can readily see that he would not come up to the standard, so far as quantity of work is concerned.

I thoroughly agree with Mr. Conover and Mr. Outwater when they say we should have practical men inspecting the work, for which they are qualified, or for which the inspection is designated. For instance, men acquainted with scaffolding, men who know about its construction, know whether it is safe or not, men with practical knowledge and experience in working on such scaffolds, are the men that should be selected as inspectors for such scaffolds. I thoroughly agree with him, but yet also I believe that a man can be a good Democrat, or a good Republican, or a good Socialist, or of any political faith, and still be a good inspector also. I believe that a man who has the courage of his convictions to stand up for his political belief—that that does not make him a bad inspector.

Chairman WAINWRIGHT.—And yet, you would not have him selected because of that, would you?

Mr. GILL.—No. Merit only, and his actual experience should determine that, and not his technical knowledge at all.

Mr. BUTLER.—I have tried to keep my eye on the suggestions that have been made, and also on the law as it stands, to see whether or not anybody would come with a practical suggestion, but I haven't heard any. I have not heard any at all. The only practical suggestion I have heard was made by some gentleman who said that ladders should have rubber bottoms. Now, that is covered by the law. It says no ladder shall be furnished unless they are so placed as to give proper protection, so that I have not heard any practical suggestion that is not already covered by the law. The only thing that seems possible at all, if anything can be accomplished, is to have proper inspection, and the question therefore seems to be whether the inspection should be made by the local authorities or by the State authorities. The suggestion that in the building line especially the employers and employees get together and discuss some rules in connection with some higher authority, either the Commissioner of Buildings, or the factory inspector, seems to be the only practical solution, if

anything is to be accomplished at all. I cannot see any amendment to the law, so far as the material law is concerned, I cannot see any amendment that will really accomplish anything.

Chairman WAINWRIGHT.—As far as we know this is the last hearing to be held by this Commission. We have given everybody concerned as ample notice and opportunity as possible, both here and in other parts of the State, to appear before this Commission. We will now take up the great amount of material we have, and see if we cannot make some report to the Legislature which will contain some valuable recommendations. I think I can say on behalf of the Commission that the whole subject is such a vast one that we will not assume that any report we will make, will be the last thing there is to say on the subject, or that it will embody everything that could or should be done. It is a matter that should be considered more exhaustively than we are able to do with our appropriation, or in the time at our disposal. We will hope that the matter will be carried on so that, through the process of time and experience, finally in this State we will get a system which will secure the prevention of accidents, as far as is humanely possible by law or regulation.

Adjourned.

MEETING OF THE EMPLOYERS' LIABILITY COMMISSION.

FRIDAY, *March 31*, 1911.

At the office of the Commission.

Present: Vice-Chairman SEAGER,
Commissioner EIDLITZ,
Commissioner SMITH,
Commissioner VOSS,
Commissioner CRYSTAL EASTMAN,
J. P. COTTON, Counsel to the Commission.

Fire Commissioner Rhinelander Waldo, Chief of the Fire Department Edward F. Croker, and Superintendent of Buildings Rudolph Miller, of the City of New York, appeared before the Commission.

Mr. SEAGER.—We have been making a study of the causes of industrial accidents and were about ready to submit our report. The recent fire has impressed us anew with the fact that fires are a serious source of industrial accidents, and we desire to deal with this question in our report, and to deal with it wisely. We do not wish to recommend legislation that will not be helpful. We appreciate the complexity of the matter, and how difficult it will be in the short time at our disposal to include recommendations on this subject in our report. Commissioner Waldo, it is for that reason that Senator Wainwright has asked you to come before us this afternoon, so that we might have the benefit of your views. We simply want to get at the facts, and any suggestions that you can give us will be greatly appreciated.

Commissioner WALDO.—Of course, as the situation stands to-day, the fire department only has control over auxiliary fire appliances. It has not sufficient authority to cause the installation of auxiliary fire appliances. For instance, we have a case now, in which certain manufacturers are taking the matter to court, questioning the authority of the fire department to issue any orders for the introduction of sprinklers. The matter of fire escapes, which relates closely to the fire department, is under the building department and the tenement house department, and the department of water supply, gas and electricity inspects the wiring in private buildings for the purpose of determining the safety of it with a view to preventing fire. My idea is that the question of fire pre-

vention is the great fire problem of the future. The great advances in medicine within the last twenty years have been in the direction of prevention, and I think the same thing is true with regard to fire. With the introduction of the high pressure system, and the automobile engines, we have brought the fire fighting end of it to the maximum efficiency, the two points that connection being to get there quickly and to have sufficient water when you get there. Those are both provided for with the high pressure system and the automobile. Now, the question of fire prevention is one which has not yet been taken up seriously by municipalities. About 1877, in New England, they took up the question of safety to factories from fire, the preventing of fires, with the then newly discovered automatic sprinkler, that and the preventing of improper conditions. The result of that has been to reduce the insurance for those factories about seventy-five per cent. Last year we had some fourteen thousand five hundred fires, in round numbers, in this city, many of which in my opinion could have been prevented by the introduction of fire prevention measures. Fire preventative measures consist, first, in the elimination of dangerous conditions, such as are caused by the improper storage of rubbish and the accumulation of shavings and clippings, etc., in workshops; secondly, the prompt notification that a fire has occurred. That is secured by the automatic fire alarm, which is so operated that when touched by heat it will sound an alarm, giving prompt notice, and giving an oppor-

tunity to meet the flames in their incipency; the third great thing in fire prevention is the introduction of auxiliary fire apparatus, such as sprinklers, stand pipes, with the necessary tanks, pumps, et cetera, so that a fire may be checked in its incipency or at least retarded until the fire department can reach the scene. The fire insurance underwriters allow from twenty-five to fifty per cent. reduction in rates, as I understand it, for buildings which are equipped with automatic sprinklers. Automatic sprinklers, of course, cost some money, but I believe that the municipality ought to regard the protection of life above any financial consideration. The insurance companies, of course, look upon the proposition entirely from the financial standpoint, putting loss of property above the loss of life; but the municipality ought to take the reverse view of it.

In addition to the introduction of auxiliary fire appliances, there should be a more proper cleaning of premises, the elimination of rubbish, and keeping workshops clean during the course of operations. That will go a long way towards eliminating fires.

Then, the fireproofing of curtains and draperies in public places can be accomplished with very little cost and that should be done. In case a fire has occurred, of course the great thing is to have sufficient means of exit. Most of those are under the building department and under the tenement house department. The exits should be ample to allow the people to get out of the building in a prompt way. In the case of this last fire in which so many people were burned, they were absurdly inadequate. There were only two stairs, each of which only allowed one person to descend at a time, and they were very winding, so that they could not get down quickly. There was only one fire escape, eighteen inches wide. That was so constructed that when the fire shutters on the lower floors were open, which was the condition while in operation, persons could not get down the fire escapes at all. They were simply useless. I could not find any record of anybody having escaped down the fire escapes.

Mr. SEAGER.— Was there more than one fire escape?

Commissioner WALDO.— There was only one fire escape, eighteen inches wide. My suggestion has been, as contained in my annual report to the Mayor, to establish a bureau of fire prevention in the fire department, to take up the function now performed by the bureau of auxiliary fire appliances, which is under the chief of the

department, the bureau of fire marshal, which is a bureau of the fire department, and has for its object the investigation of fires for the purpose of determining if there is any criminality attached and bringing the persons to justice if that is the case; to take in also the bureau of combustibles, which regulates the sale, use and transportation of explosives and combustibles; and have transferred to the fire department the entire regulation of the construction and maintenance of fire escapes and other means of exit, and that portion of the department of water supply, gas and electricity, which has to do with the inspection of private premises for the purpose of determining if the wiring is safe, with a view of preventing fire.

I think all these ought to go in the fire department, and be consolidated in one bureau, known as the bureau of fire prevention. I divide that bureau first into a division of auxiliary fire appliances, under a competent engineer. Get the best engineer in the country into that, and have that division decide what auxiliary fire appliances are necessary. Secondly, a division of combustibles to perform the work now performed by the bureau of combustibles, an independent division, the fire marshal, investigating fires for the purpose of determining if any criminality is attached, and of bringing the persons to justice, and a division of inspection, which will carry on a system of inspection for the purpose of determining if all the laws and regulations which may have been enacted are being enforced. By consolidating these various functions, and establishing one bureau of inspection, I believe the inspection should be carried on by the city with a very small increase in cost over what it costs today. Today, for instance, if a theatre or other public building is erected, it is visited first by a representative of the building department; for fire preventative purposes it is visited by a representative of the building department, on the question of fire escapes and exits. He also passes on other matters in connection with the building, but so far as fire fighting purposes are concerned, he passes on that question of exit from fire escapes. Then, it is visited by a representative of the auxiliary fire appliance bureau, which passes on the fire appliances. Then, it is visited by a representative of the bureau of combustibles, or should be visited by a representative of the bureau of combustibles, to determine whether there is any improper storage of combustibles in the cellar or anywhere else in the building. It is visited by representatives of the de-

partment of water supply, gas and electricity, to determine whether the electric lights are properly installed.

In addition to that, of course, it is also visited by representatives of the health department. By consolidating all the inspection which relates to the prevention of fire under one head, I think you would accomplish better results, and get more thorough inspection, and at no increase in cost.

Mr. SEAGER.—Do I understand that you would have that bureau responsible for the structural features of the building, fire escapes, and so on?

Commissioner WALDO.—No, I believe that should be left to the building department as at present, but merely that they are to see that they are kept in condition, proper condition from a fire standpoint, and that proper means of exit are available and are kept ready for use. To make a bureau of this kind such as I have suggested valuable, you would have to give to the fire department somewhat similar powers as those now given to the building and health departments. The health department can go into a building today which they regard as a menace to the public health, and close it down, and it is up to the owners of the building to prove that the health department is wrong; but the building is closed down, and the lives of people are protected meanwhile.

Under the present arrangement, if you issue an order, even to a theatre—for instance, we issued one here to Madison Square Garden to put in a sprinkler system, away back last fall, knowing that these circuses and other performances would come along, which use much straw in the cellar, down under the audience, liable to become ignited from cigarettes or matches. We issued this order back last fall. They paid no attention to it, and the sixty days elapsed in which they had to comply with it. The only redress is to send it to the corporation counsel, and the corporation counsel takes it up and brings a suit in the municipal court, they get several adjournments, and waste time, and finally they try it, and then they appeal it, and it gets along, and at the end of another year it may be decided against them, and they will pay the fifty dollars, which is the maximum penalty, and we have to start all over again. In other words, the law is absolutely inadequate to compel compliance with its provisions. We should have the same authority as the health department to close them down, and to keep them closed down until they make the premises safe, so that the lives of people are protected.

Mr. SMITH.—This would be a sort of sub-head of the general fire department?

Commissioner WALDO.—My idea is to divide the fire department into four big bureaus, one the bureau of fire extinguishment, and second, the bureau of fire prevention, independent from it, the same as in the police department you have the uniformed force to prevent crime, and the detective force, which detects crime. I would have the uniformed force for the extinguishment of fires, and the other, the engineering and inspective branch, for the prevention of fire. A man may be a good fire fighter and not a good engineer. He may be a good fireman and not an expert in electric wiring. I should have an expert bureau of fire prevention, reporting directly to the commissioner, and that bureau, as I have already stated in my suggestions, would consist of five bureaus.

First, a division of auxiliary fire appliances, under a competent engineer, which should decide what fire appliances would be installed, and make the initial inspection, as to the orders having been complied with. Second, a division of combustibles for the regulation of combustibles and explosives. Third, a division of fire marshal, for the investigating of suspicious fires and bringing criminals to justice. Fourth, a division of inspection along the lines which I have just spoken of, which will attend to the inspecting of all branches of the fire department. Fifth, a division of violations, under a competent lawyer, which shall enforce the law where violations have been committed.

Mr. VOSS.—Instead of the corporation counsel?

Commissioner WALDO.—Well, bring an assistant corporation counsel to our department. To-day, he maintains a special bureau for the recovery of penalties. It should all be ours. Then, bring the fire escapes under the bureau of auxiliary fire appliances, and let them be responsible for that.

Mr. COTTON.—Of course, it is well understood that there are many structural defects in existing buildings?

Commissioner WALDO.—I have not been talking about buildings at all. Buildings are not fireproof. There are fireproof buildings—this building down in Washington Place was a fireproof building, it was not damaged at all, but the contents burned with sufficient heat to kill the people. That building proved itself to be a fairly constructed building, of good type, except that it was not provided with fire escapes.

Miss EASTMAN.—Was it provided with these automatic sprinklers?

Commissioner WALDO.—It was not.

Miss EASTMAN.—Is that required? It is in the Code.

Commissioner WALDO.—Not by the Building Code; that is up to the fire department, and the auxiliary fire appliances have been inspected in a very haphazard manner, not systematically. It should be done systematically, and there should be regular supervision in that line.

Mr. COTTON.—Your plan takes care of future fire operations; what I was thinking of is the suggestion as to curing and changing the buildings which now have structural defects, lack of exits, and so on.

Commissioner WALDO.—Structural defects and lack of exits are two different points entirely. The structural defects should be up to the building department. What we are anxious for, especially in the fire department, is the protection of lives in case of fire, and that could be accomplished by us, by proper fire escapes, either exterior or built in towers, or in proper enclosed partitions.

Mr. COTTON.—All these you would put under the fire prevention bureau?

Commissioner WALDO.—Yes, sir, no matter when the buildings were erected, they should have a proper means of exit. To-day, we report to the tenement house department. They have the right to put on fire escapes, without regard to when the building was constructed. To-day, we forward a report to the tenement house department saying that they should have these fire escapes, and they say, yes, that is true, but the building was built prior to a certain date, and therefore it is not under our jurisdiction. Then again, the building department sends it back, and nothing is done. Any one of them would be all right if they had the entire jurisdiction.

Mr. COTTON.—You have no doubt of this being an entirely local matter, to be handled entirely by the city rather than by the State?

Commissioner WALDO.—We have a city of four million, seven hundred and fifty thousand people, more or less, and I think the city ought to be self-governing so far as its police regulations are concerned. I believe it would be a great mistake to put them in the State. The man running it would have to have an office in New York, and his subordinates would really have more responsibilities, and be bigger men.

Mr. SEAGER.—I have been reading over the Building Code. The powers that the Code gives to your department and the

building department seem to be adequate, so far as requiring the installation of fire escapes, and the provision for these auxiliary fire apparatus are concerned. Has there been any difficulty in the exercise of these powers in consequence of the attitude of the court?

Commissioner WALDO.—The only difficulty we have in the auxiliary fire appliances is what I told you. We issue an order, and it takes some time to put it in. Of course in exceptional cases we can go to the board of health, and to the police department, and have them take some action. The board of health has summary powers. They can act, but only in cases where there is actual danger to life.

Mr. COTTON.—As a matter of fact, if you started on summary proceedings right now, you would shut up a large part of New York?

Commissioner WALDO.—It has got to be done intelligently.

Mr. VOSS.—A reasonable opportunity given to the owners to comply with the law?

Commissioner WALDO.—Yes.

Mr. COTTON.—Commissioner Waldo, is it true that there are a large majority of buildings used for factories here that are not in a safe condition?

Commissioner WALDO.—They have not sufficient fire escapes.

Mr. COTTON.—And to change that situation would be a heavy burden even for a new department, within the next two years?

Commissioner WALDO.—You would not put fire escapes in New York in a few days. It should be done as quickly as possible, within reason.

Mr. COTTON.—And the principal lack of power that you find in your department is the power to take action such as the board of health takes in regard to unsafe conditions?

Commissioner WALDO.—I think that is a power we require.

Mr. SEAGER.—Would you have this bureau of fire prevention put in a position to require the installation and erection of fire escapes and auxiliary fire apparatus, and be able to shut up a building if the orders were not complied with?

Commissioner WALDO.—Exactly, but in a case like that, it is like the health department, it must be used intelligently. If not used intelligently, it reacts on itself very quickly.

Mr. COTTON.—In regard to new construction, there is no reason why a consolidated fire department, if there were one, should not act with such co-operation with

the building department as to result in working out good conditions in the future. That does not present any difficulty?

Commissioner WALDO.—No.

Mr. COTTON.—You do not regard that as an unfortunate division of power?

Commissioner WALDO.—No, I think that is all right. The laws of the building department should be such as to require that a building shall be of proper construction, to stand, not collapse or give way under usual conditions.

Mr. COTTON.—That would limit the operation of the building department practically to having oversight in requiring safe building conditions, and would end all responsibility for anything else in that particular department?

Commissioner WALDO.—Yes, sir. They should erect a building that will stand a fire without collapsing or causing more damage than should be expected.

Mr. COTTON.—That is just the sort of thing they are doing now in regard to buildings being put up. Are they doing it adequately?

Commissioner WALDO.—I don't know the conditions at present. I imagine they are doing it well.

Mr. VOSS.—Of course you think that the exercise of such powers as you have said your department should have, should be exercised locally by the city of New York?

Commissioner WALDO.—Yes, sir.

Mr. VOSS.—And not by the State?

Commissioner WALDO.—No, sir, by the city.

Mr. SEAGER.—I talked with President McAneny over the telephone this morning, and he told me that you had been considering the question of fire prevention in theatres, and had gotten down to drafting some recommendations, as I understood him, to be presented as proposed amendments to the Building Code, applying especially to theatres. Can you say something about that for our information?

Commissioner WALDO.—I am not taking that up at all; that is entirely in the building department.

Mr. COTTON.—I have heard a lot of people talk about fire drills. Are you the man to see that that is done?

Commissioner WALDO.—I don't think so.

Mr. COTTON.—Who is the man to do that?

Commissioner WALDO.—I think that should be placed with the State factory inspectors.

Mr. COTTON.—Now, just why? If you are the man who knows everything else, why should the State have that?

Commissioner WALDO.—I say the State should have it, the factory inspector should have it, because he is the one who has personal supervision of the employees. The fire department should not have to go there and have fire drills any more than they should have to go to a school and instruct the children in school in fire drills.

Mr. COTTON.—But you are going to regulate their cleanliness?

Commissioner WALDO.—Simply the elimination of fire conditions.

Mr. COTTON.—You are going to see that rubbish is not deposited, and that your electric installation is safe?

Commissioner WALDO.—Yes.

Mr. COTTON.—Now, in regard to this training, these fire drills, if that is to be done, your idea is that that would be properly carried on by the person who has supervision of the actual operation of the factory?

Commissioner WALDO.—I should think so. They take up the question of the age of the children employed, and their working conditions, and the sanitary conditions, et cetera, and I think it is more up to the branch of the government that regulates the personnel than that which relates to the mere fire prevention.

Miss EASTMAN.—However, if your bureau worked out an excellent scheme of exits, it might be advisable that your bureau should direct the use of those exits. For instance, if a factory inspector, not familiar with the design of your scheme of exits, came along and tried to work the fire drills, he might not do it to the best advantage.

Commissioner WALDO.—My reason for stating that it should be under factory inspection is that they have charge of the regulating of the working hours, et cetera, and everything in connection with the personnel of the employees. Where they are so intimately associated with the personnel of the factory, I think they should continue that relationship into giving instruction in the drills.

Mr. SEAGER.—If this bureau of fire prevention were created, and you had an adequate force of inspectors to inspect—you would have to inspect at least once a month, would you not?

Commissioner WALDO.—Some places should be inspected as often as that, others would not need it. With a bureau of inspection of that kind we could also depend upon inspections by the uniformed force. You could use the uniformed force if you needed that for local inspections, so you would have five thousand additional men available if necessary.

Mr. SEAGER.—Would you not be in closer touch with the situation than the Department of Labor is likely to be? They inspect factories on an average once a year, and although they are supposed to supervise these personal things that he speaks of, as a matter of fact it is notorious that they do not, and can not, unless the inspection force is greatly increased. Would it not on the whole be more satisfactory to have that added to the duties of this bureau of fire prevention, with a view to seeing that the employer does his part?

Commissioner WALDO.—It comes down to a question regarding labor. What portion of the day or week or the month shall be taken away from labor for these drills?

Mr. SEAGER.—That presumably would be time taken out of the work time.

Commissioner WALDO.—Yes, and how much time should be taken out, and when? All that would be entirely a labor question, and I think it ought to be under the Department which regulates the labor.

Mr. COTTON.—If you have an ordinary building, with absolute and complete exit accommodation, there is no particular point in the fire drill in that sort of place. Now, whether that condition exists, your competent fireman is much more likely to know than the one thousand dollar man who is working under the Department of Labor.

Commissioner WALDO.—I don't know anything about the capacity of the inspectors of the Department of Labor. I have never seen one of them. I was assuming that they were doing the function that they are supposed to do, and doing it well.

Mr. SEAGER.—There is a bill in Albany that fire drills should be made compulsory, and the Commissioner of Labor thinks that the duty of carrying it out should be put on your shoulders. I am rather disposed to agree with him. It is on the ground that if you had the machinery to do the work of fire prevention adequately, you would be in closer touch with the situation.

Commissioner WALDO.—I am so much in favor of the provisions of that bill that I would feel disinclined to squabble about who should do it. I think the idea of the whole bill is an excellent one, so I would not make any objection to its coming to the fire department, although I do not believe it belongs there.

Mr. SEAGER.—Leaving that aside, how often, in your judgment, ought fire drills to be required? How often would be reasonable?

Commissioner WALDO.—I should think that would depend a great deal on how often you change your factory hands. I should think that about once a month would be reasonable and proper.

Mr. COTTON.—And that is a question depending very largely upon the number of employees?

Commissioner WALDO.—Yes, on the number of employees and the conditions. Once a month, I should think, would be the maximum.

Miss EASTMAN.—Would you leave the question of seeing that doors are not locked, important exit doors are not kept locked, to this bureau entirely, or would you have it in a statute of another kind?

Commissioner WALDO.—I think it should be a felony to lock exits in a factory, so that people should be locked in a trap, and not be able to get out. As to the question of enforcing it, I think it should be the duty of the police, the same as any ordinary felony, and the fire department should take action on it when it comes to their notice, by notifying them.

Mr. COTTON.—I have been impressed not so much with the difficulty of establishing regulations for new buildings, or work in the future, as with the difficulty of dealing with a hideous set of existing conditions which require a change all along the line, not only in methods of alteration, but absolutely fundamental structural changes, and I assume that they are structural changes which could not be fixed even by the putting in of outside exits or towers.

Commissioner WALDO.—Of course there are some places which should not be used for the purposes for which they are used at all. The most outrageous conditions are not in tenements, but in halls of assembly, athletic clubs, where large numbers of people are coming in, with no packages, places like the Sharkey Athletic Club, the New Amsterdam Opera House, the Polo Athletic Club, the Terrace Garden, and so forth, where five or six thousand people gather, with only one exit, and absolutely no way of getting out. These conditions should not be allowed to exist.

Mr. COTTON.—No matter what else is done, those may be followed up by holocausts any day.

Commissioner WALDO.—The fire department should have authority to say, "You cannot use those places for those crowds. You can use them normally and properly for the people the places were designed to hold, but you can't go to work and put in four or five thousand people with one staircase only."

Mr. COTTON.—Have you, for instance, in Terrace Garden, ordered new exits?

Commissioner WALDO.—We have nothing to do with it.

Mr. COTTON.—You have no power?

Commissioner WALDO.—No power at all.

Mr. SEAGER.—You have power in connection with ordinary theatres, haven't you?

Commissioner WALDO.—None at all, except to tell them what auxiliary fire appliances they shall have, how many buckets, axes, and fireproofing their scenery. And standing room is up to us also.

Mr. SEAGER.—Has not some city authority power?

Commissioner WALDO.—The question of exits and all that is entirely up to the building department.

Mr. COTTON.—Would that be the sort of question that the building department should keep under the revision, should still continue to handle?

Commissioner WALDO.—I think in a case like that the building department should have the question of the safety of the structure, to see that the walls and floors would not fall down, and that they are of such a type of construction that a flame will not start with unusual rapidity. But, as to escapes, I think that should be up to the fire department, because the fire department is more intimate with fire conditions. As the law stands to-day they are responsible not only for the structure of the building, but for the safety exits. I think they should have the structural question, leaving the question of exits in the fire department, the same as the board of health decides whether they have sufficient light and air, et cetera.

Mr. COTTON.—How large a force have you under you to-day outside of the uniformed force?

Commissioner WALDO.—Roughly speaking, about twenty men in the bureau of violations—twenty-five men, about, twenty-five in the bureau of combustibles, about twenty-five in the bureau of fire marshals—this is roughly speaking, that is seventy-five, about seventy-five men. In the department of water supply, gas and electricity, the bureau of electrical inspection, they have about one hundred and fifty more as I take it. Of course, the function of the department of water supply is really to supply water to the city, and the lighting of public places and buildings. The inspection of private buildings by them is merely for the purpose of preventing fire, therefore I think that belongs to the fire prevention service. Giving us the use of those inspectors, and adding proportionately to it, we would have the nucleus of a very good working force.

Mr. VOSS.—I do not think there should be any division. It should be concentrated.

Mr. COTTON.—The thing of course is to get the highest measure of concentration, but can you always draw the real line between the structural situation and fire prevention?

Miss EASTMAN.—In the construction of the building, and the passing of the plans for the construction of the building by the building department, would the question of the provision for fire exits be passed upon originally by the building department?

Commissioner WALDO.—Under the building department to-day, where buildings require auxiliary fire appliances, they have to come and get our approval on the auxiliary fire appliances. I think the same thing might be done with fire escapes, but they go through the building bureau. Then, the fire department should have the right to inspect all additional fire escapes of any kind if the nature of the building changes. In other words, if the building department passes it to-day, it might be that to-morrow the use of that building might be changed. To-day it may be used as a storehouse, and to-morrow it may be used as an athletic club. The building department is hardly justified in saying that one small stair would be adequate. To-morrow morning, when it became an athletic club, with four or five thousand people on the top floor, it would make a difference. The original fire escapes should not be binding. They should simply be the fire escapes which may be necessary at the time to provide a proper means of exit for the people who gather there.

Mr. COTTON.—You would reduce the building department merely to the architectural features of it, so far as it relates to this subject.

Commissioner WALDO.—Exactly.

Mr. COTTON.—That is another reason why such a department in co-operation with you would not be able to work out architectural fire protection.

Commissioner WALDO.—Of course, in many cities, the question of buildings comes under what they call the fire marshal, who is really a building superintendent. The two functions are closely allied, but I think a very good division is to say that the building department is responsible for the safety of the structure, and the fire department for the safety of the people in case of fire.

Mr. SEAGER.—In the Tenement House Law is there not some arrangement by which the tenement house department can act concurrently with the building department?

Commissioner WALDO.—Yes.

Mr. SEAGER.—Could there not be some such plan as that, have the building department pass on the building structurally, and have the question of the adequacy of fire escapes refer to your department before the building is actually launched as a going concern.

Commissioner WALDO.—Exactly.

Mr. SEAGER.—One other point. It is not quite clear in my mind whether it would be reasonable to go so far as to require automatic sprinklers as a part of the auxiliary fire apparatus, whether it should be prescribed.

Commissioner WALDO.—I think it should be brought under some general head,—“Such appliances as may be necessary.” In some places they are necessary. The big department stores installed them without any suggestions from anyone for their own protection.

Mr. SEAGER.—So far as the Code is concerned, you would leave it in general terms, and leave the details to be worked out?

Commissioner WALDO.—I should think it should be worded—“Such auxiliary fire appliances as may be necessary to protect life and property.”

Mr. VOSS.—Of course, all these suggestions that you make, could very easily be brought about by amendments to the present charter?

Commissioner WALDO.—Yes.

Mr. COTTON.—And the amendments as to power could be made by changing the Building Code?

Commissioner WALDO.—I think the same provision of the charter could readily govern the entire question. My idea was to divide the fire department into four branches—into six branches—for the fire prevention, and fire extinguishment, and to divide the fire prevention force into four big bureaus of the department.

Mr. SEAGER.—Is this proposal of yours being worked out so that it will be presented to the Legislature in the near future?

Commissioner WALDO.—I understand it is in the new charter that is being prepared by the corporation counsel.

Mr. VOSS.—Not the charter submitted by the committee on charter revision?

Commissioner WALDO.—I have been told that it is provided for in that too, but I have not seen it.

Commissioner EIDLITZ.—You are a firm believer in fire escapes? Are you?

Commissioner WALDO.—Fire escapes or adequate means of escape in case of fire, even through tower fire escapes, or properly enclosed stairs, or anything that will be

adequate, to insure the people getting away. In this last fire the stairways were enclosed in fireproof walls, but they were closed with wooden doors, so when the fire attacked them the doors burnt away, and the hand rails on the stairs were charred, and the stairs swept by flames. That is not what you would call an enclosed stairway in a fire sense. The disadvantage of the enclosed stairway is that sufficient smoke gets in to kill people. The exterior tower balcony fire escape, where a man goes out on a balcony, and then into a tower, which has its own entrance, avoids that difficulty.

Mr. SEAGER.—Would it be feasible to have towers of that kind built in connection with buildings already erected in New York?

Commissioner WALDO.—No, I doubt that. It is almost impossible. The buildings already erected could be amply covered by fire escapes. The biggest advances in fire prevention that I have been able to see have been made by private individuals, who have done it for their own protection, rather than by the action of any municipal department.

Mr. COTTON.—Practically all of New York is insured against fire, I suppose, to-day, isn't it?

Commissioner WALDO.—That I can't tell you. Practically all is insured.

Miss EASTMAN.—Was it your department that made this investigation two or three months ago and found thirty-five hundred unsafe factories, not including this Triangle Company?

Commissioner WALDO.—I sent out, in order to aid President McAneny and the tenement house department, a report of buildings which in the opinion of fire captains should have additional fire escapes, and I stated in this report that those buildings needed fire escapes, regardless of any existing laws, the report was based entirely on the opinion of the captains as to what was necessary to protect life. Of course, in some of these buildings officials of the building department may not feel that under the provisions of the law they can compel it, although the law says they shall have good and sufficient fire escapes.

Mr. SEAGER.—Are there any other questions that anyone would like to ask Commissioner Waldo?

Mr. SMITH.—I was wondering whether the Commissioner thought that the Labor Commissioner of the State should have any final jurisdiction, for instance, in the case of political conditions, that the Commissioner or the fire department might find itself unable, on account of political or other things, to have such conditions remedied,

whether he would think that it should be proper that the State should have—the Commissioner of Labor for the State, should have some say on the subject, some final word.

Commissioner WALDO.—I gather from that, if the fire department failed to operate that the Labor Inspector would be able to operate?

Mr. SMITH.—Yes.

Commissioner WALDO.—I think that is a good idea.

Mr. SMITH.—To have some higher State authority?

Commissioner WALDO.—There would be no objection to that at all, but I should not have him review the action of the fire department, merely in case that the fire department could not act, that we could act.

Mr. EIDLITZ.—You think then, Mr. Commissioner, that as we have two-thirds to three-quarters of the inhabitants of the State right here, we ought to be pretty well able to take care of them without any foreign interference?

Commissioner WALDO.—That is the idea I expressed.

Mr. EIDLITZ.—That is what I think.

Mr. VOSS.—That is what I think also.

Mr. COTTON.—As a matter of fact, your heads of departments are considerably higher paid than the State departments, and certainly higher paid than the deputies.

Commissioner WALDO.—Certainly.

Mr. SEAGER.—Have you any suggestions that you care to make to us, that you would care to have covered?

Commissioner WALDO.—I think not. I think we have covered the case.

Mr. SEAGER.—We appreciate very much your coming before us, and it has been very instructive to us.

Mr. SMITH.—I think the Commissioner has made some pretty plain statements about conditions that you don't often find the head of a department willing to make. He is very fearless, I think.

Mr. SEAGER.—Commissioner Miller, in a general way, the inquiry that we wish to make, has been suggested by the questions we have already asked. In the first place, we would like to be advised as to the powers of your department with reference to insuring safe building construction, and the prevention of such fires as this.

Commissioner MILLER.—I would say that the powers of the department are adequate as they are now. There are a number of provisions undoubtedly in the Building Code as it stands at the present time that are not satisfactory. There are some of them out of date, and they do not meet

the present conditions of the building industry. A revision of the building code is desirable—there is no question about that, but that we understand is a purely local matter, and I believe you are dealing with State affairs, and the power to revise the building code rests with the board of aldermen of the city. As to the provision for exit facilities, the law as it stands, section 103, is very broad. It starts out by specifying what building shall be provided with adequate means of escape, and then goes on to say that they shall have such good and sufficient means as may be deemed necessary by the superintendent of buildings, putting the entire responsibility for the proper adequate exit facilities of any building, except tenement-houses, on the superintendent of buildings.

Now, the State Labor Department at one time had jurisdiction over fire escapes in factory buildings. The court, however, decided that they had the power only to recommend, that the superintendent of buildings within the city of New York was the only authority that had the right to order fire escapes. Now, as to the so-called fire escape, I know that I disagree here in a large measure with Chief Croker in this matter, but I am willing to say frankly that I do not believe in outside fire escapes. Every new building that is erected should be provided with adequate exit facilities within the building itself, and when I say adequate facilities, I do not mean simply ordinary staircases, but I mean what the commissioner has already spoken of, the tower fire escape, a device which has been in use in the city of Philadelphia for some time on factory buildings, and with great success. This device consists of an enclosed stairway, enclosed in brick walls entirely cut off from the building itself, and accessible only by an outside balcony, which balcony is reached from the building itself by a door level with the floor of the balcony, and the platform of the stair of this tower is also on a level with the platform of the balcony. This balcony, having solid floors, is protected against fire that may issue from windows on the floor below, so that the occupants in case of a fire will step out onto this balcony into the outer air, and passing through another door, enter this enclosed stairway, having a good easy stairway to walk down with a direct exterior outlet, they can get out safely and quickly, and not be dependent on the fire department coming there and taking them down from the balconies.

I have studied the question of fire escapes and exit facilities for fifteen years.

I have been connected with the building department, with the exception of three years, for fifteen years, since 1875, and in that time I have given special attention to this question of exit facilities. The more study I have given it, the more convinced I am that outside fire escapes should not be provided as a means of exit from buildings. In the last few years I have collected a number of facts in connection with the use of outside fire escapes by occupants of buildings, and I may be able—I have not got it in shape now, but I may be able to give such information some time as to show that in many cases people get out on these fire escapes and don't know what to do when they get there. They stay there and wait for the fire department to come and take them down.

Mr. SEAGER.—Are there any such fire towers as you have in mind in New York city buildings?

Commissioner MILLER.—There is one such fire tower on the Brunswick building, on the north side of the building. The Uneda Biscuit factory in Fifteenth street has two such fire towers, though they are not of the most approved type. In this case the approach to the fire tower is not sufficiently separated from the building itself to get the best results.

Mr. VOSS.—There are some buildings downtown, some large office buildings, that have a sort of spiral tower outside of the building, are there not?

Commissioner MILLER.—The Appraisers' Warehouse in Christopher street has two such spiral towers. I am not satisfied that they are good things, especially in the case of twelve story buildings. Imagine a thousand workers, as there may be in such a building, all making for one of these spiral towers, and piling up at the bottom. You certainly would get congestion, and they might not be able to get away.

Mr. SEAGER.—Do you mean one of these shoot-the-chute things?

Commissioner MILLER.—The thing was originally developed as a fire escape, and has been applied in some of the western cities to some of the public schools. In Louisville I know they use them, and the children accustomed to them find much fun in sliding down them, and they manage to get out. I do not think they are very desirable for ten or twelve story buildings. In fact, I don't think they are the best things as fire escapes. I think the easy stairway is the proper thing. However, I do believe that it is necessary to supplement such an arrangement with fire drills. I think the loss of life in this building on Greene Street was largely due to the fact

that a number of these people did not know of the exit to the second staircase. I have affidavits of several of the girls who worked in that place, fifteen of them, I think, some of whom state they had no idea the second staircase was there, until they saw some of the others making for it, and when they got there they found the doors locked. Some of the girls, according to the testimony, therefore ran back to the other staircase which they were accustomed to use, but it was blocked off in a measure by the fire. What became of those girls I don't know, but the girls who remained at the other door finally were let out by a man coming up and opening the door from the outside. I am fully satisfied that if both staircases in that building had been kept available, that the loss of life would have been, could have been in a large measure prevented. Now, if you had any number of staircases, if you had had ten staircases in that building, outside of the building, with fire escapes, I think there was still a liability to loss of life. You cannot prevent that until you reconstruct human nature. If you get these people in a panic-stricken condition you are likely to have loss of life. There was another bad feature of this particular building—we might refer to this one—and that was the arrangement of the equipment, as I may call it, the sewing machines. They were arranged in rows, and they started near one wall and extended clear over the other, and only one side had a passageway. At that side, where the passageway was, was where the fire occurred, or did it come up through the stairs—I don't know just how it was—the officials of the fire department can tell better about that, but at that side of the building—it was there that the fire was, and it was a question whether these girls should climb over the machine to the second staircase, or pass down these aisles and then around. Now, of course, that is a matter that rests with the tenant. Where the responsibility for any such arrangement lies I am not prepared to say. The responsibility for proper exit facilities rests with the bureau of buildings at the present time, as I have said. How much that could be avoided I don't know, but I would suggest one or two things as recommendations in this connection. One is this: That a provision should be made either in our Building Code or by State law—of course it is probably more a local matter—a provision should be made by which a certificate of occupancy is issued when a building is completed, and that building should not be used for any other purpose than that designated in the certificate without a new certificate.

so that the authority, whatever it may be, whoever it may be, shall have at least the opportunity to pass on the question whether the exit facilities for the new occupancy are adequate or not. In that same connection there is another question which is not covered by our law at the present time, and that is the matter of converting a building from one purpose to another. We have just had, only a day or two ago, an opinion from the corporation counsel in which he advised that it is not unlawful to change a building from one purpose to another, provided no alterations are made. The case I have in mind, and on which we received that opinion, was a private residence in this borough which was converted into a hospital. The law requires that hospital buildings over thirty-five feet high shall be constructed fireproof. Private residences can be constructed to seventy-five feet in height, non-fireproof. This building was a private residence, non-fireproof, and the doctor turned it into a sanitarium and simply occupied it as it was. He did erect one board partition dividing one large room into two, and we were told that that was not such an alteration as would come under the requirements of the law, and therefore we have no power. Now, as I say, that has only been settled for us just within the last few days, and we have now a number of cases depending on it, because we have a number of cases reported where private residences are being converted into schools, which, under the law, should be fireproof. It means that we have no right to insist that those buildings shall not be occupied as schools. Now, I do agree thoroughly with the fire commissioner when he said some power ought to be vested in somebody to vacate a building where the requirements provided for the safety of the occupants are not complied with. I may not agree with him, however, on where that should rest. It is my opinion that it should rest with the police department. I think the fire commissioner and the superintendent of buildings, either one, or any other city official, who finds conditions such that the safety of the public is involved, should report this to the police department, and the police department should enter the premises and vacate them if necessary, after proper notice of it, except in extreme conditions; and I think where the conditions are extreme we have done that. I remember one of these places that the Commissioner refers to, a place which was used as an athletic club, so called, where they intended to give a little boxing match, as they called it, and they arranged around this room, which had only one means of exit, a series

of benches. I myself made the report. I was then in a subordinate position in the department, and the police captain told me that that building was not safe, and he stopped the occupancy of it then. Now, that was, of course, an extreme case. I don't believe it is fair to the owner or occupant of a building to go to him and tell him, "You have got to vacate this building until you improve the facilities in such and such a manner." A reasonable time should be allowed that man to do it. The Commissioner has pointed out that it is impossible, and even if you could get an adequate force to do it, it is impossible to issue orders within any limited time. It takes time in order to direct what shall be done in the way of improving exit facilities. The order must be issued describing the building, locating it by the street corner, the order must be directed to the owner and served on the owner, it must describe his building, and then direct just what changes shall be made. That is necessary. Now, that takes time. A man can enter a building, and he must go through that building from top to bottom and examine it, and he must determine where the fire escapes can be placed. He cannot go to a building and say, "Put a fire escape on the front." The man who is required to do that is entitled to know where he must put this fire escape.

Mr. COTTON.—The thing the Commissioner was speaking about was not so much the mechanics of giving the order, but that the body that did the inspection, which discovered the unsafe condition, was very properly the body to do the rest of the job. That is, that the centralization of the power to discover should be made with the power to remedy. Is there anything in that?

Commissioner MILLER.—It is a question whether this centralization is not only apparent, if you are not really dividing power. We have had the question in the division of responsibility now between the tenement-house department and the building department. The tenement-house department passes on certain buildings, and yet those buildings cannot be erected until the building department approves. Now, this plan proposes that the plans shall go to the fire department, or some other authority, and have them pass on them. I don't believe that is a desirable thing to do. I think the authority that should pass on the exit facilities to be provided should be the one that passes on the plans themselves. I think the building department would be better equipped to pass on the necessary exit facilities for buildings than any other department. After these exit facilities have been provided then let some systematic in-

spection be made by some other department to see that they are maintained, and place the responsibility, as I think it is now placed and ought to be placed, on the tenant or owner or occupant to maintain the conditions that are originally provided.

Mr. SEAGER.—Assume that a building has been turned over by your department, and instead of employing 1,000 men, they employ 2,000 men. How would you meet the situation? It is now under the inspection, we will say, of this bureau of fire prevention which Commissioner Waldo outlined. Would you have the bureau of fire prevention have the power to require the installation of additional exits?

Commissioner MILLER.—No, I would have them do as they do now, report the fact that there is a change in the occupancy to the head of the building department, and let them then decide whether the exit facilities are adequate, or whether additional facilities should be provided, and if so, what facilities. The question of exit facilities is not a simple one. It is not merely a question of saying, put a door here, because you must know whether that door can be put there or not, and it is intimately connected with the question of the construction of that building. You might put a door over here, and by starting to cut that door let the building down. It is illegal to make any change without the approval of the building department anyway.

Mr. SMITH.—Assuming that after a building has been finished, and exits and all safeguards for the prevention of loss of life have been installed in accordance with the requirements of your department, and then the fire department, who, of course, are well versed in the things that are needed to prevent loss of life, should find a serious defect, and be able to prove that it is a serious defect, what would you think about that condition? In other words, would you not think it would be better at least to have some co-operation, a dual co-operation?

Commissioner MILLER.—There is no reason why there should not be co-operation between all city departments, but you must not take the authority away from the man who is responsible. You must leave that with him. It makes little difference to me personally where the authority is placed, but if the authority to determine what exit facilities are necessary is in a certain officer, that officer should have the interpretation of the requirement, and he must be made responsible. It is he who exercises his judgment in that matter, and assumes the responsibility for it. It won't do to let some other commissioner say, "Well, I think so and so ought to be provided," and

insist on that man providing it, when he himself cannot agree to it.

Mr. COTTON.—The difficulty is that under old laws for building construction there has actually grown up, and actually exists here in New York, a type of construction that does not please anybody, which may not please you, and which may not suit Commissioner Waldo. I mean that the old Building Law and the construction produced by it is still in the original wrong situation—isn't that true? At the minute there are a great many buildings that call for immediate change by some department along lines of fire prevention.

Commissioner MILLER.—There is no question that the buildings are not up to the present standard, buildings which possibly complied with the law at the time they were built, and wherever such are found changes are ordered. Changes are being continually ordered in buildings, improved exit facilities, and if exit facilities inside cannot be provided, outside fire escapes are a very good makeshift in many cases.

Mr. COTTON.—Could you put in the towers in those places?

Commissioner MILLER.—We do order interior walls, we do order stairs enclosed in brick walls, but we have a hard time getting it. You have no idea what the opposition is to making any changes of that kind, even to putting up outside fire escapes. You have no idea of the opposition that comes against these requirements.

Mr. SEAGER.—I gather from one of your suggestions that, assuming an unsatisfactory condition, the power to shut down a building should be vested in the police department. Just what advantage do you look for from that location of authority?

Commissioner MILLER.—Because the police are really the guardians of the peace. As I understand it, the functions of the fire department and of the building department are closely allied, and in some cities they are under one head, but the division has been made here.

Mr. SEAGER.—It is on the academic ground that they have the police power?

Commissioner MILLER.—Yes.

Mr. SEAGER.—It is perfectly possible to clothe your department with police power?

Commissioner MILLER.—Yes.

Mr. SEAGER.—Would it not be a decided advantage, if you are made responsible for having the law enforced, to give you the power to enforce it, instead of bringing in this outside authority which may not agree with you or co-operate with you in making your orders effective.

Commissioner MILLER.—If the law was so framed that the police must, on the re-

port of the superintendent of buildings or the fire commissioner, vacate a building, why they are there simply to carry out that order. That is really in effect the condition in the health department to-day. The health department has summary powers, but the health department has certain police delegated to it, known as the sanitary squad, which carries out these orders.

Mr. SEAGER.—You used a phrase that made me think that possibly you thought police should have concurrent power.

Commissioner MILLER.—My idea was this, that, for instance, any place of public amusement or entertainment in the city cannot be opened until a license is issued by the police department, and the police department will not issue such licenses until a favorable report on the building has been made by the bureau of buildings and the fire department. Now, they issuing the license, it would seem to me the natural thing that if there is any revoking of the license should do, or any vacating of the building, they would be the people to do it, on the recommendation of the men who reported favorably in the first place, and who have found that conditions have changed, so that the places are no longer safe or proper.

Mr. VOSS.—The tenement-house department calls in the police department where they find more than two families living in a house not complying with the requirements of the Tenement House Law, they call in the police, and they vacate the building, not the building, but that particular floor?

Commissioner MILLER.—I know they have summary powers to some extent, but whether the department goes to that extent or not I don't know, because in a building on Thirty-second street that I have in mind they had to carry the case to court to have the building vacated.

Mr. VOSS.—When they do exercise their summary powers they call in the aid of the police department?

Commissioner MILLER.—Yes, unless they have made a genuine attempt to comply with the requirements. Of course, we order certain improvements to be made in a building. They cannot be made over night, the man has to have time to do it; but often you find that apparently the man is doing nothing to comply with the orders, and yet he has made all his contracts, the material is being gotten out, but so far as the building is concerned, there is no evidence that anything is being done. Now, if that man comes in and makes a statement, we give him a reasonable extension of time, but that is so often used as a mere evasion.

Mr. SMITH.—You and Commissioner Waldo agree. He in a general way stated that the work should be intelligently done, and you have amplified and stated in detail to quite an extent how it should be done.

Commissioner MILLER.—I think there is no difference between the fire commissioner and myself on the general propositions. The details we do not agree about. He thinks they should be in a bureau in the fire department. I do not believe that. I am stating that from my experience in the building department in other matters. Practically, it will be a very serious thing for the architects and the builders and the owners if they must go to a third department in order to have the plan of exit facilities determined. There is now considerable trouble, and it is a source of constant complaint that many departments that a man must go to before he can get his building erected.

Mr. EIDLITZ.—The fire commissioner recommends a sub-department of the fire department, called the bureau of fire prevention. Would you feel that that would probably be a helpful institution for running up the red flag on bad buildings, or bad building?

Commissioner MILLER.—Yes, I think such a bureau is a very proper bureau to see that what is originally provided for is maintained.

Mr. EIDLITZ.—Now, if you have a bureau which does that, and which becomes skilled in that specialty, would there be any objection to having a representative of that bureau sit in with the building department and consult with the building department on the plans, providing it was definitely understood that in the issuing of permits for new buildings and in making alterations to buildings that it be distinctly understood that the building department controls, but that in this question of fire prevention and so on they should be consulted in connection with it.

Commissioner MILLER.—I don't think it makes much difference as to the details. If the fire department and the building department, or as it is now called, the bureau of buildings, are separated, there cannot be an exact co-operation. There is no reason why we should not co-operate generally, but to have a man detailed from one department working in another is, in my opinion, impracticable. What I think is more practicable, and what I believe is the practice in Philadelphia, is that all these departments, with the police powers, including the police department, the fire department, the health department and the building department, all together constitute the department of public safety, and are all under the con-

trol of one head, who is, in a large measure, I think, a sort of vice-mayor, and if that were done then there would be a still closer co-operation than we can get with the fire department as a department under the mayor's jurisdiction, and the bureau of buildings as a bureau in the borough president's office, under the borough president's jurisdiction, both of them elective offices, and one not responsible to the other directly.

Mr. SEAGER.—Now, you have talked about fire escapes. How about auxiliary fire appliances that are necessary? Who should have the last word on that?

Commissioner MILLER.—The fire commissioner, undoubtedly.

Mr. SEAGER.—Then would you not inevitably have a division of authority there? Where are you going to break off? Where will you stop, if you do not advocate that your department should be responsible also for the installation of adequate fire auxiliary apparatus?

Commissioner MILLER.—There is no reason why the original installation for that matter could not be under the bureau of buildings either, because the conditions under which they shall be placed could be plainly stated, and a permit for them issued. Now, the proper maintenance of that naturally belongs to the fire department. These things must be put in accordance with the fire department standards.

Mr. EIDLITZ.—Take, for instance, the question of sprinklers. That requires the existence of one or more big tanks. That means a lot of calculation in that building, and its erection, from the bottom up, just where the tank is to go, that must be provided for in the structure and in the foundation. You cannot go in and say all of a sudden, we are going to put a sprinkler into these premises, because sometimes you have to reinforce these buildings very materially. These tanks have twenty or thirty thousand gallons of water stored up there fifteen or twenty stories over the street. That is a great many thousands of pounds, and they have got to take care of that absolutely.

Miss EASTMAN.—As I understand Mr. Miller's idea, it would be to put the original installation of fire-escapes, and also of auxiliary fire apparatus, in the building department, and then that the fire department should see that they are properly maintained and kept available all the time.

Commissioner MILLER.—Yes.

Miss EASTMAN.—Commissioner Waldo said that the matter of inspecting fire auxiliary apparatus was in that department, but not for fire escapes.

Commissioner WALDO.—We install and inspect the auxiliary fire appliances; the building department installs and is supposed to inspect fire escapes.

Commissioner MILLER.—We have a certain duty in the matter of fire escapes, but section 103 of the building code provides that, "It shall be the duty of every fireman and policeman who shall discover any fire escapes, balcony or ladder of any fire escape encumbered in any way, to forthwith report the same to his commanding officer of his company or precinct, and such commanding officer shall forthwith cause the occupant of the premises or apartment to which said fire escape, balcony or ladder is attached, or for whose use the same is provided, to be notified, either verbally or in writing, to remove such encumbrance, and keep the same clear." There is just the point that I make. The original provision for the exits and fire escapes rests with the bureau of buildings. The maintenance of them, the keeping of them available, rests in a measure, with the fire department.

Miss EASTMAN.—Only in the matter of encumbrances, not as to the matter of keeping them painted and all that.

Mr. WALDO.—We have nothing to do with the adequacy at all.

Mr. SEAGER.—How would you meet that situation, Commissioner Miller?

Mr. MILLER.—There is no reason why they could not be reported if the fire department considers them unsafe; there is no reason why they could not be reported and the building department is undoubtedly the best judge as to the safety of them, so far as construction is concerned.

Mr. SEAGER.—So, you would keep that line of demarcation all along, that you are responsible for structural features continuously.

Commissioner MILLER.—Yes sir. I do not advocate it because I want to keep control of it, because if there is anything I would like to get rid of it is this matter of fire escapes. I have said that long ago. It is the most troublesome question that the building department has to deal with. Read the law, and you will see that it is almost a personal responsibility there.

Mr. SEAGER.—Now, as to the enforcement of the law. Do you have any trouble in getting your orders enforced where you require the installation of fire escapes?

Commissioner MILLER.—Yes, we have a great deal of trouble, in the opposition that is made to the installation of them. An order is issued to put in a fire escape, and the owner or others, often not the owner, but he sends his leader or some-

body else around to see if that fire escape case cannot come off of the building, and the building allowed to go without the fire escape, as it is before. He does not take into account the change in conditions of the neighborhood, or changes in the occupancy. He simply does not want to put it on, he does not want to spend the money and does not want to disfigure his building. The next question is, "Can't I have the case modified?"

Mr. SEAGER.—You would get that kind of opposition under any law. Do the courts stand behind you so you can enforce your order?

Commissioner MILLER.—It is rather cumbersome to get them enforced. If you cannot get it enforced you must turn it over to the corporation counsel. The corporation counsel gets many such cases, and it takes time also to bring an action to secure compliance. In the first place what he secures is a penalty, he recovers a penalty in the first place, and then he must start an action in the Supreme Court to secure compliance with the order.

Mr. COTTON.—Does he win in the end?

Commissioner MILLER.—He wins in nearly all cases. Some cases he sends back, but there are other cases in which he wins. I think he generally wins in the case of fire escape orders.

Mr. SEAGER.—You think that situation could be met if you were given power through the police department to close such buildings down, you think that would be adequate?

Commissioner MILLER. Yes. That power is vested now in the tenement-house department, and there is no reason why it should not be vested in the bureau of buildings for such purposes.

Mr. SEAGER.—Is it your impression that it works in the tenement-house department?

Commissioner MILLER.—It does. It works very satisfactorily, and the argument that is so often made that such a power would be abused is not true. I have seldom known it to be abused.

Mr. SEAGER.—The argument made in private, if not publicly, is that it leads to graft.

Commissioner MILLER.—Yes, there is no doubt but what it does, but you can't get away from that question no matter how you write your laws. The man who is subject to that sort of thing will find a way no matter how elaborate your law is, or how much you try to guard against it.

Mr. VOSS.—The only trouble is the penalty in the law is not sufficient.

Commissioner MILLER.—I think we attempt to write too much law.

Commissioner WALDO.—The first function of a municipality consists in the protection of the life and property of citizens from wrong-doers, from fire and from disease. In most of the cities of the world that is under one man. In Paris it is under the prefect of police, in Philadelphia it is under the head of the department of public safety. In New York the police function was found to be so large that it was divided into three separate branches, the police work, the protection from the wrong-doer was left with the police department proper, the protection from fire being given to the fire department, which is the function as to protection of life from fire, and the protection from disease being given to the health department. Therefore, the fire department is a police function, and I believe should be invested with every right and every duty to protect life and property from fire. I disagree with Mr. Miller that it is a decentralization. I believe that it is a centralization to bring them together, to bring that function together under one head. The health department is centralized for health, and we should have it centralized for fire. Commissioner Miller speaks of the opposition from leaders, political leaders. I know every district leader in town, and I have never had a district leader try to oppose me in any way. I have never had anybody come in and oppose what I wanted. The first thing is the protection of life, and that is paramount, whether the building was built five or ten years ago. I say we should protect life under the conditions of to-day.

Mr. SEAGER.—Mr. Croker, will you give us the benefit of your views on this subject? You have seen the general line of inquiry. We are directed by the Legislature to report on the prevention of industrial accident, and this fire has caused us to realize that fire may be a source of such accident.

Chief CROKER.—In order to take precautions to prevent fires and prevent loss of life in buildings already erected?

Mr. SEAGER.—Yes.

Chief CROKER.—Mr. Miller said a little while ago that he did not believe in the proposition of outside fire escapes. In making that statement I do not agree with him, so far as present buildings are concerned. I know, as well as he knows, that it would be impossible to go to a building already erected and say that they have got to put a fire tower on that building. In buildings already erected the only means that you can use is outside fire escapes. I certainly agree with Mr. Miller's proposition that buildings erected in the future

should be provided with inside towers, such as he has described. That is the best thing I have ever seen.

Mr. SEAGER.—So the only difference between you is as to the practicable problem as to how you can best make buildings already erected safer from this point of view. I would like to have your views as to the situation in connection with buildings already erected. As I understand it this building where this fire occurred, was regarded as rather superior to many other buildings of the same type where fires might occur—is not that the case?

Chief CROKER.—Yes sir, we have many buildings in New York that are way below the standard of this building where the fire occurred. The building itself, the structure, is considered a number 1 structure. It was good.

Mr. SEAGER.—Have you any suggestions to make as to the remedy, and especially as to any changes in the laws that might be made to furnish a remedy?

Chief CROKER.—As the superintendent has stated, the most of that is a matter of home rule. Under the present building code the superintendent of buildings has power to order fire escapes on every building, no matter what their construction may be, and I think that is the only solution as to present buildings.

Mr. SEAGER.—Before you go on—we discussed the question as to whether the inspection to see that those drills are actually carried out should be under the direction of the fire department, or under the direction of the State Department of Labor. What would be your view on that point—which would be the more effective plan?

Chief CROKER.—I think that everything appertaining to the prevention of fire and the extinguishment of fire should go to the fire department.

Mr. SEAGER.—That is, the law should prescribe that there should be fire drills, say once a month, and then leave it to your department to see that the drill is carried out?

Chief CROKER.—Or persons authorized by the fire department. If we should keep the men out to instruct and supervise these fire drills, we would have the fire houses empty. We have a great number of retired firemen, a great many of them capable men that could go out and supervise that. With the exception of those that have been retired for injuries, or for disease, they would be competent to go and do this. Many of them are very competent men.

Mr. SEAGER.—To carry out that plan would involve the creation of a special bureau in your department?

Chief CROKER.—The Commissioner and myself have had many talks in relation to that matter, and I think we both agree that there should be a bureau known as the bureau of prevention, fire prevention. To go further, I may say that I was always under the impression, and am still under the impression, that the department of buildings should be in the fire department. It originated in the fire department, and was only transferred a few years ago from the fire department. It was known when it was transferred as the department of buildings, and the law came along again and made it a branch of the president of the borough, known as the superintendent of buildings. Every thing appertaining to buildings and the protection of life should come under the supervision of the fire department.

Miss EASTMAN.—I understood Mr. Miller's objection to giving the fire department the power to order structural changes, and order fire escapes when it sees they are necessary after inspection, was on the ground that they would make mistakes, not being a building department, and experts in that line, that they would order changes that could not be practically carried out. Is that it?

Commissioner MILLER.—That is it, chiefly. I think that function properly is a structural one. It belongs to that department. I think the whole thing resolves itself into this: If you could combine them all under one head, into a department of public safety, you would have one control, and a much fuller and complete co-operation. They naturally belong together, as the Chief has intimated.

Miss EASTMAN.—I would like to hear from Commissioner Waldo and Chief Croker in answer to that. Is that a serious criticism of your schemes?

Commissioner WALDO.—No, I don't think so. The building department, as the Chief has stated, properly could be well placed in the fire department, but even as it is, providing the fire department has the complete control of the means of safety in a building, I think the lives of the citizens would be protected. The question of a director of public safety, I don't see that that is essential, because the mayor fills that function. If you had a director of public safety you would have to have subordinate heads in the police and fire departments, etc. I don't think there would be any special advantage in having an official between the three departments and the mayor.

Mr. COTTON.—Do you think there are men in the fire department now that are ready and able and capable of ordering structural changes in buildings?

Commissioner WALDO.—I would not express myself whether there are or not at the present moment, but the minute you give us this function it is a simple matter to get experts. We can get the same or better experts than the building department. It is a question of getting experts to do the work which every department has charge of. If it was a matter of chemical function, you would get chemists, and if it is a matter of structural erection, you would get experts in structural work.

Mr. VOSS.—A gentleman who presumed himself, and I hope he was, to be a public-spirited citizen made a suggestion to me on the car the other day on this question, and I think since you are here I would like to ask you about it. He seemed to be of the opinion that probably an absolute method of fire protection could be devised in the construction of buildings hereafter to be constructed, by constructing on one side of the building a solid wall all the way up, a couple of feet back of the building wall, and having doors leading from the building into that space in between the walls, and that when you would have a solid fireproof wall, and the people could get in there and escape.

Chief CROKER.—But it is not smoke-proof or heat-proof?

Mr. EIDLITZ.—And he could not find a tenant for the building.

Mr. VOSS.—I did not think much of it myself.

Mr. EIDLITZ.—This tower stairway, of course, is admirable, it is the best kind of escape on a stairway that you could have, but even in that you do not do away with the question of panic, and in the last analysis, it does not make any difference to the families of these people whether they are smothered to death or squeezed to death, or how the accident happens. My idea is that in a factory building where there are hundreds of people working on one floor, that floor itself should be provided with a means of escape, independently.

Chief CROKER.—Independent escapes from each floor?

Mr. EIDLITZ.—No, so that you could pass from that floor to the escape, and to your stairway, or whatever means you have for leaving the building, and do it in this way: In the first place, have sprinkler plants for factories, because we have had lots of experience with them and we know that they do work. Now, you have your automatic sprinkler system, and then you divide the floor, suppose it is the ordinary fifty by one hundred-foot type of floor, and divide that floor right in the middle with a

fireproof partition made of proof channel iron and wire glass, and so forth, so that the supervision of the factory is not interfered with. Have doors leading down, we will say in a fifty-foot building, one door is sufficient, or have two doors and have the doors from these aisles kept absolutely free. Give your inspector the absolute layout so that when he goes in there and looks down those aisles he knows by a glance whether the aisles are free or not. Have ventilation overhead with screens and sprinklers. Now, in case of fire they can go down these aisles and close the door in the partition, —

Chief CROKER.—Maybe.

Mr. VOSS.—You could make them automatic.

Mr. EIDLITZ.—Maybe you could do that, but if they were automatic they might close on them. They could go to the front half or to the rear half of the floor, as the case might be. Suppose the ventilators do not work, then the heat will go right through this and strike the sprinklers in the front half. You must have a certain amount of time to give people to find themselves.

Chief CROKER.—But the fire won't wait.

Mr. COTTON.—But that would give them time to run from one side to the other.

Chief CROKER.—It does not seem so. This recent fire did not give them a chance to run.

Mr. EIDLITZ.—They were found at the staircases.

Chief CROKER.—Not one of them.

Mr. EIDLITZ.—They were found at the doors to the staircases.

Chief CROKER.—They were not. There was not one.

Commissioner MILLER.—If you have a flash fire you cannot provide against it.

Chief CROKER.—That fire went through this place like a prairie fire, and it caught these people like rats in a trap. Whether those doors were closed or not we don't know. Some say they were, and some say they were not. From the indication we found from the bodies they could not get out, and I am under the impression that the doors opened in, and that there was such a rush that they could not open them. I do not mean the hall doors. I mean the partition doors inside.

Commissioner MILLER.—I think there is another thing to be considered in connection with this whole matter, and that is, that the municipality should not assume too much responsibility for these things by too much inspection. I think that the burden of the maintenance of proper exits, the maintaining of safe conditions, should be placed largely on the tenants. Unless we

had inspectors stationed there all day, in certain buildings, you could not prevent them from cutting off their exit facilities. We have found in many of our inspections and examinations of buildings where excellent facilities are provided that the doors are so obstructed that they cannot be used. Now, what is the use of prescribing exit facilities if this can be the condition? We should place some of the responsibility right on the tenants to maintain proper conditions there. The main danger, after all, is from the contents, and it is a thing that is very difficult to regulate by law. You cannot prescribe for all of the innumerable conditions that will arise as to the contents of buildings. In some places there is a light material which will burn like tinder, and the very smoke itself will suffocate the people.

Chief CROKER.—You would be surprised at the conditions in many of the large buildings at night, after they lock up, and if a fire gets in there the conditions are simply terrible.

Mr. SEAGER.—As to materials and so on?

Chief CROKER.—Yes, sir. The stairways are obstructed with every possible kind of obstruction. Sometimes there is a passageway that wide (indicating). In a great many hat stores, especially of the lower class, they use the stairways altogether for

storing. The only thing we can do is to go in and walk right over everything, and the next day we will get a complaint that we have destroyed so many gross of hats.

Commissioner MILLER.—Those people should be made responsible for the use of stairways as places of storage. You cannot prevent that unless you put an inspector in every building, almost on every floor.

Miss EASTMAN.—However, if that matter of keeping the exits in shape was left squarely in the fire department, and they had men enough to go around once a month and have all these things moved, that would materially improve the condition, would it not?

Commissioner MILLER.—Undoubtedly. All these things tend to improve, and that is where the benefit of inspection comes in. I still maintain that the responsibility for maintaining these conditions should not rest with the municipality, but with the tenant. If the facilities have been provided, the maintenance of them, the responsibility for the maintenance of them should remain with the tenants. If you put in a sprinkler system, you may put in the best in the world, but if the tenant takes a notion to shut off the valve because he might get a few things ruined by water, what are you going to do?

(End of session.)

REPORT

TO THE

Legislature of the State of New York

BY THE

Commission appointed under Chapter 518 of the Laws of
1909 to inquire into the question of employers'
liability and other matters

THIRD REPORT

UNEMPLOYMENT AND LACK OF FARM LABOR

April 26, 1911



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THIRD REPORT

TO THE

Legislature of the State of New York

BY THE

COMMISSION APPOINTED UNDER CHAPTER 518 OF THE LAWS OF 1909.

The Commission appointed pursuant to Chapter 518 of the Laws of 1909, "to inquire into the working of the law in the State of New York relative to the liability of employers to employees for industrial accidents, and into the comparative efficiency, cost, justice, merits and defects of the laws in other industrial states and countries relative to the same subject,* and as to the causes of accidents to employees" and "into the causes of unemployment in the State of New York, particularly in the city districts and into the lack of adequate labor in other sections of the State, particularly in the farming districts," herewith submits its third report — dealing with Unemployment and the Lack of Farm Labor:

On the organization of this Commission, the study of unemployment was referred to a committee, consisting of Hon. George A. Voss, Chairman, and Senator Frank C. Platt, Hon. Alfred D. Lowe, Hon. Frank B. Thorn, Mr. John Mitchell and Mr. George W. Smith. At the same time the inquiry into the lack of farm labor was referred to another committee, composed of Senator Frank C. Platt, Chairman, and Senator Howard R. Bayne, Hon. Frank B. Thorn, Hon. Alfred D. Lowe, Mr. George W. Smith and Professor Henry R. Seager.

In October 1909 the Commission secured the services of Mr. William M. Leiserson, Honorary Fellow in Political Economy at Columbia University, as its special investigator on unemployment. He has studied the literature on the subject, collated existing statistics, inquired into the extent and causes of unemployment in New York State, and examined the agencies for the relief of the unemployed in this and other States.

In the summer of 1910, Mr. Voss, the Chairman of the Committee on Unemployment, accompanied by Mr. Leiserson, made a trip to Europe to study at first-hand the agencies and methods for dealing with the problem of unemployment in England, Belgium, Switzerland and Germany. A detailed report covering the results of their investigation appears as Appendix II.

The report of the Committee on Unemployment which appears as Appendix I of this report was prepared under the direction of the Committee by Mr. Leiserson.

On January 7, 1910, a special hearing on the subject of unemployment was held in New York City. The minutes of that hearing appear as Appendix XI.

In June, 1910, a list of questions was sent to 5,322 employers representing the industries of this State, requesting specific information as to the fluctuations in the number of their employees from year to year and month to month, and making inquiry concerning the supply of labor in their communities, and their methods of securing workmen. At the same time a

* The first report of this Commission submitted on March 19, 1910, dealt with the Law of Employers' Liability. The recommendations included in that report were adopted and became law, Chapters 674 and 352, during the session of 1910.

list of questions was sent to the secretaries of 2,364 trade unions of this State to determine to what extent their members suffer from unemployment every year and from consequent loss of earnings. The form of these questions and the tabulation of the replies received from the 759 employers and the 386 trade unions responding, will be found in Appendices VIII, IX and X.

In October, 1909, printed inquiries were sent by the Commission to each of the 702 granges and 224 agricultural societies in this State, requesting information concerning the difficulty of securing farm hands, the wages paid, hours of labor, etc. The form of this inquiry and the tabulation of the 552 answers received appear as Appendices XIII and XIV.

On February 9, 1911, at the time of the meeting of the State Grange, a public hearing devoted especially to the lack of farm labor was held by the Commission in Troy. The minutes of that hearing appear as Appendix XVI. At the request of the Commission, the Commissioner of Agriculture appeared at this hearing. His formal recommendations appear as Appendix XV.

Availing itself of the report of its Committee on Unemployment, and of the other materials collected for it, the Commission has made a careful study of the problem of unemployment and arrived at the following conclusions:

CONCLUSIONS OF THE COMMISSION.

The Extent
of Employ-
ment.

We find in the industrial centers of this State, at all times of the year, in good times as well as in bad, wage-earners, able and willing to work,* who cannot secure employment. The evidence of this fact, given at length in Appendix I, may be summarized as follows:

The records of charitable societies show that from 25 to 30 per cent. of those who apply to them for relief every year have been brought to their destitute condition primarily through lack of work.

Private employment offices can find work on the average for but one out of four of those who apply to them.

For every position secured by philanthropic employment bureaus there are about six applications.

The Census of 1900 found 25 per cent. of those engaged in manufacturing and mechanical pursuits in New York State unemployed at some time during the year; over one-half of these were unemployed from one to three months, 37½ per cent. from three to six months.

In the course of a "cost of living" study made by the United States Bureau of Labor in 1902, it was learned that among 4,270 representative workingmen's families in New York State, only 43.8 per cent. of the bread-winners had had steady work the year round, while the remaining 5.62 per cent. had suffered from unemployment, averaging ten weeks each.

Reports of trade union secretaries to the New York State Department of Labor for the year 1902 to 1909 inclusive, show that in ordinary years of business activity about 5 per cent. of their members are unemployed in the busy season and fully 15 per cent. in the winter. During years of depression, the number unemployed rises to from 15 per cent. to 35 per cent.

Finally, our own inquiry among employers and labor organizations confirms this evidence. Of the 179 trade union secretaries who replied to our question, "Are there at all times of year some of your members out of work?" ninety-five, or 53 per cent., replied "yes." Only 8 per cent. reported that their members lost no time in consequence of unemployment, while 25 per cent. replied that on the average their members lose three months or more.

Of the 723 employers who replied to our question, "Are you always able to get all the help you want?" 458, or 67 per cent., replied "yes." At the same time 87 per cent. reported that they get their help wholly or mainly from workmen who make personal application at the plant. The significance of this situation is obvious. If employers can get all the workmen

*It should be made clear at this point that our inquiry has been confined to this class of the unemployed, i. e. those "able and willing to work." Those physically unfit to work as a result of accident or disease, and those who because of moral deterioration are unwilling to work, constitute distinct problems with which this Commission has not attempted to deal. People of these two classes are, strictly speaking, not "unemployed" but "unemployable." And although we recognize that their situation is largely a result of industrial conditions, nevertheless, we believe that the genuine unemployed — those "out of work" as a direct result of trade conditions — constitute a separate problem, and one difficult and important enough to engage our entire attention at this time.

they need by merely choosing from those who apply to them for work, it is apparent that many workmen must be going from plant to plant in vain. Finally 322, or 44 per cent. of the employers replying, report that there is an over-supply of some kinds of labor.

This evidence of unemployment, though convincing, lacks quantitative precision. Any attempt to count the unemployed under present conditions must prove unsuccessful. But we may approach the problem also from the standpoint of industry's varying demand for workmen. As industry is now organized the measure of the employment to be had is the demand of employers for labor. If this demand is not steady, but fluctuating, then the best index of normal unemployment is the amount of these fluctuations.

The figures of the Census, covering practically all the manufacturing establishments in this State, show the number of wage earners employed from month to month in the years 1900 and 1905.

WAGE-EARNERS EMPLOYED IN MANUFACTURING INDUSTRIES IN THE STATE OF NEW YORK, ACCORDING TO THE U. S. CENSUS OF MANUFACTURES.

MONTH.	AVERAGE NUMBER.		PER CENT INCREASE + PER CENT DECREASE —	
	1900.	1905.	1900.	1905.
January.....	799,573	817,392	.....	.....
February.....	818,003	838,719	+2.3	+2.5
March.....	853,056	857,436	+4.0	+1.8
April.....	884,231	861,782	+3.6	+0.7
May.....	887,576	848,514	+0.4	-1.6
June.....	849,387	836,239	-4.0	-1.4
July.....	813,745	828,817	-4.1	-0.9
August.....	818,525	853,093	+0.6	+2.8
September.....	873,005	892,141	+7.4	+4.4
October.....	888,405	905,428	+1.8	+1.5
November.....	870,398	887,637	-2.0	-2.0
December.....	832,768	856,256	-4.4	-3.6

The figures in this table show that in 1900 the average number of workers employed varied from 799,573 in January to 888,405 in October; and in 1905, from 817,392 to 905,428, a difference of over 88,000, or about ten per cent. in each year. The increase is steady from January to April, when the number begins to fall off, reaching the lowest point in July. In August another increase sets in lasting till October, after which the second decrease begins. This apparently normal phenomenon of two busy and two slack seasons is familiar to all persons conversant with manufacturing trades.

Assuming, what we believe to have been the case, that 1900 and 1905 were typical years, we may conclude that normally ten per cent of the wage earners engaged in the manufactures of New York State in October are not so engaged in January. They serve as a reserve to meet the fluctuating monthly demands.

Fluctuations in the demand for labor within the year are also clearly indicated by the Census record of idle establishments. Thus in 1905 out of 37,194 establishments in New York State only 40 per cent. worked full time, 19 per cent. lost a month or more, and 8 per cent. were idle half the year. A similar situation is indicated by our own inquiry. Among 699 employers, covering every form of industry, 220 or 31 per cent. reported that their plants were closed down during part of the year 1909, 24 per cent. that they had operated on part time for more than a month, and 15 per cent. for three months or more.

The demand for labor varies not only from month to month, but also from year to year. Although the population and the number of potential workers in the State increase every year, the demand for workers is by no means constantly on the increase. It fluctuates with the conditions of trade. The following table, compiled from the New York State Bulletins of Labor, gives the number of wage-earners employed in industrial establishments of this State during ten successive years.

NUMBER OF EMPLOYEES AT TIME OF INSPECTION.

Year.	New York State.	Per cent Increase + Per cent Decrease —
1901.....	646,827.....	
1902.....	774,790.....	+ 16.6
1903.....	872,390.....	+ 11.2
1904.....	874,349.....	+ 0.3
1905.....	899,437.....	+ 2.8
1906.....	1,064,610.....	+ 15.6
1907.....	1,139,788.....	+ 8.8
1908.....	1,010,914.....	— 11.4
1909.....	1,051,684.....	+ 3.9

From 1901 to 1907 there was an irregular increase in the number of employees, while in 1908, the year of our recent financial depression, there was a decrease of 11.4 per cent. 128,874 employees were thrown out of work in 1908, while in 1909, the number employed was still 88,104 short of the number employed before the panic.

Our own inquiry among employers, covering mercantile establishments, building and construction work, railroads, light, heat and power companies, as well as manufacturing establishments, confirms the factory inspectors' reports, and shows that this yearly fluctuation affects more or less all industries.

The causes of unemployment may be readily distinguished into: (1) seasonal, (2) cyclical, (3) irregular.

Seasonal Un-
employment.

There are few businesses in which the demand for products is steady throughout the year. Our inquiry shows that weather, custom and habit, and the succession of the seasons, influence the demand in almost all industries and hence cause great fluctuations in the number of employees required. This fact is well illustrated by the following statements made by employers in answer to our question: "What are the main reasons for the fluctuations in the number of your employees?"

TANNING.

"In our line of business we have what is called a season. During the months of February, March, April and May the demand for dressed skins is at its greatest. Consequently we are obliged to employ enough men to turn out the work on time. After May business slackens up and a large number of the men seek employment at other lines of business. These are the reasons for the fluctuations in the number of our employees."

TRANSPORTATION.

"During the summer months traffic is a great deal heavier, necessitating more cars in service, which, of course, means more men to operate them. In the track department summer months is when all construction work is being done which accounts for the greater part of the increase in the number of employees. In the equipment department the increase is due to the fact that more men are needed to keep the large number of cars in proper condition and to repair the snow equipment for the winter season."

NEWSPAPER PUBLISHING.

"Fluctuations in advertising, which changes the size of paper one-third; that is in July and August the size is one-third smaller than in such busy months as March, April and May or October, November and December."

TELEPHONES.

"In general there is no fluctuation, but a gradual increase in number, due to growth of business. The principal exceptions are

(1) that more employees are required to install telephones and to remove them from one address to another in the spring and fall than at other seasons; (2) that more employees are engaged upon new construction work during the summer than at other seasons. The number of employees thus affected, however, is relatively small."

QUARRIES.

"As the crushed stone produced at this plant is all shipped by water, under favorable conditions, the plant is operated for about 9 months each year. During the other 3 months and when the river is closed to navigation, necessary repairs are being made.

'Idle time' is often caused by stormy weather when the quarrying of stone is neither safe nor advisable; it is also caused at times by necessary repairs being made."

"January there is no work for them.

February there is no work for them.

March we cannot work all that apply as we do not manufacture until May.

April the same.

May can use about all that apply except some of the most common.

Same in June and July.

August, September and October they are looking for a winter job."

HARVESTING MACHINERY.

"This business has to depend on the harvests. We make up an estimate and build to this. The months of July, August, and September are the slack months as we have completed our build for the current year by July 1st. The following few months we are getting in material to commence on the following year's business."

FERTILIZERS.

"March, April, August and September are the months in which we ship a large proportion of our output so that we require more labor during those months."

SHOE MANUFACTURING.

"Our output, principally 'warm' shoes for fall shipment requires starting of manufacturing in January of each year, gradually working up, increasing, as orders come in, until about May 1st, then continuing at full capacity to November 1st, slackening until December 1st or 15th, when practically all deliveries for that season close."

"There are more employed in the winter than in the summer as the low shoe trade is larger than the boot."

LUMBER AND ITS PRODUCTS.

"Sawmill is run only during the spring months when water is high."

"Our logging is principally prosecuted from August 1 to March 1, and the log drive from April 1 to June 1.

The mill only runs about 7 months in the year. During 5 months the mill is shut down but we ship the year round.

Owing to the snow and ice freezing in our logs, it is not possible for us to run our mill the year round. If we could do it, it would be better for the employer and employee."

FURNITURE.

"Main reasons are the periodical buying of the retail furniture dealers. Practically no buying being done in December, June, July and first part of August."

VEHICLES.

"Our carriages, wagon and automobile repairing, painting and trimming requires more men in the spring than any other time of the year. Our harness factory is under the same season. Customers want the majority of their new wagons and harness, also want their repairing done in the spring of the year. Possibly the seasons being so pronounced might tend to make some difference."

CIGARS.

"Our desire to carry as small stock of cigars as possible. Cigars do not 'ship' well when dry. Consequently when orders fall off appreciably we curtail production."

CANNING.

"Nature of the canning business. We employ from 100 to over 200 during the canning season, then drop down to 5 or 6 the rest of the year, employing only what is necessary to make shipments and repairs. * * *"

"Our season is so short that outside of some who may be connected with plants that do little in the summer time (like cold storage, foundries, etc.) we cannot secure the class of help that are willing to work the year round."

"We manufacture conserves and it is necessary for us to have a large number of employees during the fruit season — also during the tomato season for we make tomato catsup and the tomatoes must be worked as they ripen."

DEPARTMENT STORES.

"The main reasons for the fluctuations in the number of our employees are that the retail business is much heavier during the winter than the summer months and there is always a lull immediately after the Christmas holidays. Less business being done during the months of January and February than during the months of March, April, May and June, while during the summer months of July and August business is very slack."

STEVEDORING.

"With regard to the third interrogatory, we would state that the reason for the fluctuations in the number of longshoremen working for us is that we are governed entirely by the number of steamers loading at this port, which are regulated to a great extent by the condition of the freight market here, as also by the demand in this country for articles of foreign manufacture. When conditions are such that our exports are not in good demand abroad, and when, at times, importers here are well supplied and importations are on the decrease, there naturally is a less demand for laboring men to handle such goods."

Cyclical
Unemployment.

The cyclical fluctuation of employment is merely the well known phenomenon — business prosperity followed by hard times — showing itself in the labor market. It is common knowledge that unemployment is one of the consequences of business depression. The causes of these cyclical movements of trade, of panics, crises, and depressions, are too complex and obscure to be dealt with in this report. We may quote, however, the conclusions of Mr. W. H. Beveridge, Director of the National

Labor Exchanges of Great Britain and a leading authority on unemployment, who says:*

"Cyclical fluctuations mean discontinuity in the growth of the demand for labour. The total supply of labour, that is to say, the population grows on the whole, steadily, or at least with little variation from year to year. The demand for labour grows unsteadily. At times, therefore, labour has been scarce; wages have risen rapidly and employment become brisk. At other times labour has been in excess; wages have fallen or remained stationary, and unemployment has been rife. At these latter times the sphere of industry may be said to have lost its elasticity, yet always to recover it again in a few years. Till that recovery there results a pressure felt in every quarter of the world.

"The causes of this fluctuation are obscure, but, beyond question, deeply seated. They are at work in all industrial countries. They must spring from one or more of the fundamental facts of modern life. They probably cannot be eliminated without an entire reconstruction of the industrial order. They certainly will not be eliminated within the few decades. Within the range of practical politics no cure for industrial fluctuation can be hoped for; the aim must be palliation. * * *"

Finally there are an infinite number of irregular variations in the demand for labor, caused by the invention of new machinery, the introduction of new processes, business failures, the reorganization of firms and corporations, the institution of economies in method, the decaying of trades, the change in location of plants and industries, and other changes. These irregular causes of unemployment are constantly operating; they are necessary accompaniments of industrial progress. Irregular Unemployment.

The transient character of certain kinds of work must also be included among the irregular causes of unemployment. Construction work is nearly always of this kind. But the most striking example is dock labor. In New York city there are from 40,000 to 50,000 longshoremen engaged in loading and unloading vessels, hardly any of whom can be said to be steadily employed. The number needed varies greatly from day to day, depending of course on the number of vessels arriving and leaving. Men are hired by the hour, and when the work of one gang on a ship is completed they are immediately discharged. When another job is ready a new gang is hired. It has been estimated that only about one-half of the men who depend upon employment at the docks for a living are actually employed on any one day. The fact that there is always a chance of being employed brings to each dock many more men than can possibly be employed. Here there is a chronic oversupply, or reserve of labor, with a large amount of unemployment as its necessary attendant.†

The causes of unemployment, discussed above, are common to all countries. For this State another cause is in operation, the importance of which must not be overlooked, that is, immigration. During the ten years ending June 30, 1910, some 1,041,570 immigrants came to the United States. Of these fully three-fourths entered the country at the port of New York and of these one-third gave this State as their ultimate destination. That a considerable proportion of these immigrants do, in fact, settle in this State is indicated by the large percentage of foreign born found here and particularly in New York city, in comparison with other parts of the country. Thus in 1900, 26 per cent. of the population of New York State was foreign born, as compared with 13.7 per cent. for the whole United States. In New York city in the same year 37 per cent. of the population was of foreign birth.‡ The large and continuous additions to the laboring population of the State due to immigration are among the most important single causes of unemployment. Immigration no doubt accounts in part Immigration a Cause of Unemployment.

* "Unemployment: A Problem of Industry," pp. 65-67.

† For a full discussion of casual labor, see Appendix I, pp. 48-52.

‡ A similar situation will probably be shown by the census of 1910, the detailed results of which are not yet available.

for the chronic oversupply of labor revealed by the statistical evidence we have presented.*

Effects of
Unemploy-
ment.

So far our evidence has gone to prove the fact of unemployment in this State and to make clear its direct relation to trade conditions. We believe that this fact of unemployment—the existence at all times of wage-earners looking in vain for work, their number increasing vastly during the dull winter season and assuming enormous proportions every nine or ten years—is a matter with which the State should concern itself. In 1908, when the movement which led to the appointment of a commission on unemployment began, the seriousness of the problem was apparent to the man in the street. To-day, when the problem is not so acute, when the tragic effects of unemployment do not stare us in the face, we are nevertheless convinced that unemployment is constantly undermining the welfare of wage-earners' families in this State.

We have evidence from charitable societies, already referred to, showing that "from 25 to 30 per cent. of those who apply to them for relief every year have been brought to their destitute condition primarily through lack of work."

We have the statements of trade union secretaries in answer to our questions, "If a man worked the year round at your trade what would be his earnings?" and "What are the actual annual earnings of most of your members?" The answers given which are summed up in Table III, show that organized workers lose on the average 20 per cent. of their possible income through unemployment.

TABLE III.
POSSIBLE AND ACTUAL EARNINGS OF MEMBERS OF TRADE UNIONS.

TRADE.	Number of unions.	Average possible earnings.	Average actual earnings.	Per cent. actual to possible earnings.	Per cent. lost.
Stage hands	1	\$720 00	\$432 00	60.0	40.0
Longshoremen	3	825 00	544 66	66.0	34.0
Building employees (miscellaneous)	3	800 00	550 00	68.7	31.3
Musicians	2	858 00	588 50	68.5	31.5
Municipal employees	2	755 00	625 00	82.7	17.3
Barbers	6	641 50	641 50	100.0	0.0
Millwrights	1	1,269 00	650 00	51.2	48.8
Pavers, rammers, etc.	2	1,150 00	650 00	56.5	43.5
Masons and bricklayers	15	1,228 60	651 66	53.5	46.5
Retail clerks	3	659 33	659 33	100.0	0.0
Painters, decorators and paper hangers	12	945 33	668 75	72.8	27.2
Brewery workmen	3	788 66	689 66	87.4	12.6
Clothing and textiles	9	975 66	710 00	72.8	27.2
Tobacco workers	6	799 66	714 00	89.2	10.8
Marine workers	3	1,078 33	731 00	67.7	32.3
Molders	3	878 00	752 66	85.3	14.7
Carpenters and joiners	17	1,091 88	766 00	70.1	29.9
Stone workers	2	1,100 00	775 00	70.4	29.6
Vehicles makers	4	776 25	776 25	100.0	0.0
Hotel and restaurant employees	3	835 33	800 66	95.8	4.2
Engineers and firemen (stationary)	8	907 87	841 87	92.7	7.3
Metal workers	16	1,019 18	842 87	82.7	17.3
Teamsters and drivers	3	1,177 33	853 33	72.4	27.6
Electrical workers	2	1,112 50	868 00	78.0	22.0
Printing and bookbinding	11	983 45	882 27	89.7	10.3
Woodworkers	3	1,029 33	896 00	87.0	13.0
Cement workers	2	1,337 00	970 00	72.5	27.5
Boiler makers and blacksmiths	5	1,022 00	978 40	95.7	4.3
Railroad and railway employees	28	1,134 78	1,027 32	90.5	9.5
Glass workers	2	1,500 00	1,260 00	84.0	16.0
Miscellaneous and unclassified	22	963 54	752 45	78.0	22.0
Total	211	1,012 14	801 13	79.1	20.9

Number of trade unions in which average member's *possible* earnings are less than \$700 — 9 or 4 per cent.

Number of trade unions in which average member's *actual* earnings are less than \$700 — 53 or 25 per cent.

* The Federal Immigration Commission concludes as follows: "The investigations of the Commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply, of unskilled labor in the industries of the country as a whole, and therefore demand legislation which will at the present time restrict the further admission of such unskilled labor."

Number of trade unions in which average member's *possible* earnings are \$1,000 or over — 110 or 52 per cent.

Number of trade unions in which average member's *actual* earnings are \$1,000 or over — 30 or 14 per cent.

Robert Coit Chapin, in his recent study of "The Standard of Living Among Workingmen's Families in New York City," concludes that "the task of making both ends meet is too severe to be successfully accomplished in ordinary circumstances, on all incomes under \$800, without a lowering of the standard of living below the normal demands of health, working efficiency, and social decency."* The report of a special committee on standard of living to the New York State Conference of Charities and Correction in 1907, concludes, "The Committee believes that with an income of between \$700 and \$800 a family can barely support itself, provided that it is subject to no extraordinary expenditures by reason of sickness, death, or other untoward circumstances."†

Applying the \$700 standard to the trade union figures given in Table III‡ we find that in only 9, or 4 per cent., of the unions reporting would the average member's income be below \$700 *if he worked the year round*; while in 110, or 52 per cent., his earnings would be \$1,000 or more. But when unemployment is taken into consideration, these proportions are decidedly changed. Thus in 53 unions, or 25 per cent., the average member's *actual* earnings fall below \$700 while in only 30, or 14 per cent., do they come to \$1,000.

In short, the effect of unemployment upon the incomes of skilled and organized workmen in years of business prosperity, is serious enough to force nearly one-fourth of those whose earning power if fully employed warrants a fair standard of living, into a class of men no longer able to maintain themselves and their families according to the "normal demands of health, working efficiency, and social decency."

If unemployment so vitally affects the well-being of the skilled workman and his family, its disastrous consequences in the household of the unskilled workman can be left to the imagination. His income if employed six days every week in the year cannot reach \$550§, already \$150 below the standard.

It may be said, and truly, that the full weight of lost income due to unemployment is not felt in a lowered standard of living in the workingman's family; — when he is unemployed his wife goes to work, his children go to work, their earnings add to the family income and thus an effort is made to maintain the standard. This is undoubtedly what happens, but from the standpoint of the State's welfare it can hardly be said to lessen the evil effects of unemployment. The children of the unemployed or underemployed workman, neglected in their early years because their mother must go out to work to keep up the family income, are in their turn, when they come to working age, forced frequently to enter the industrial field handicapped, without trade training. The father cannot afford for them a period of apprenticeship because their earnings are immediately necessary. Thus they do not become skilled efficient workmen, but, through the avenue of the first job that offers, they enter the already overcrowded army of casual unskilled labor and further complicate the problem of unemployment.

Even more striking is the immediate effect of unemployment—the demoralization and degeneration of the workman who is out of a job. He walks the streets in search of work, hopeful at first but as time goes on becoming more and more discouraged. The odd jobs he picks up bring in an uncertain and very insufficient income. His whole life becomes unsteady. From undernourishment and constant anxiety his powers — mental, moral and physical — begin to degenerate. Soon he becomes unfit to work.

* "Standard of Living in New York City," Chapin, p. 234, Charities Publication Committee.

† "Standard of Living in New York City," Appendix, p. 279.

‡ The \$800 standard is based on the cost of living in Greater New York, while 75 per cent. of the unions included in the table are located in smaller cities of the State. But since rent is the only item of expense decidedly lower in the smaller industrial centers, we have considered it conservative to apply a \$700 standard to the table as a whole.

§ The wage for common labor in Greater New York is \$1.75 per day, in other parts of the State \$1.65 per day, according to information received from the National Employment Exchange in March, 1911.

Finally, he gives up in despair, his family is demoralized, pauperism and vagrancy result. In a large number of cases this is inevitable. The casual demand for labor brings into existence the casual worker. From being unable to get steady work a man becomes unable to do steady work — unreliable, inefficient, "good for nothing." During long periods of unemployment, good workmen degenerate into tramps. They become habituated to a life of idleness and uncertainty, so that when at last employment is once more to be had, they are unfit for continuous labor. The merely *unemployed* have become *unemployable*.

That this evil of unemployment with its far-reaching serious effects, is a matter of immediate concern to the government of this State, appears to us to be beyond question.

Unsatisfied
Demand
for Labor.

Along with the great amount of unemployment that has been described, we find existing in the State a considerable unsatisfied demand for labor. Two hundred and sixty-five out of 723 employers replying to our inquiry reported that they could not always get all the workers they needed. While three-fourths of the employers in the large cities—New York, Buffalo, Rochester, and Syracuse—report an over-supply of unskilled labor, most of the employers in smaller cities and towns find unskilled labor scarce. And 47 per cent. report skilled labor difficult to secure. Out of 1,100 manufacturing concerns reporting to the New York Department of Labor in 1908, nearly half stated that they had difficulty in obtaining or training skilled employees. A scarcity of skilled mechanics is complained of by employers from all parts of the State.

Lack of
Farm Labor.

A special inquiry was conducted by the Commission into the scarcity of labor in the agricultural districts. The results* by no means confirm the popular opinion that farm labor offers unlimited opportunity to the unemployed if only they could be induced to accept it, but they do indicate unmistakably that during the harvest season there is a very large unsatisfied demand for farm labor and that in many sections of the State more workmen are needed on farms throughout the year than can be secured. In short, agriculture is the leading example of a seasonal industry — its demand for labor varies more according to the season than that of any other important industry. The replies of granges and agricultural societies to our inquiry show the greatest scarcity of labor to be during the harvest season, June to October inclusive, rising to its height in July and August. There is considerable difficulty in securing the needed labor during April, May and November, but almost none during December, January, February and March. Many farmers stated that the unsteady employment offered by farmers was one of the chief causes for the unsatisfactory labor situation. Nevertheless, two-thirds of the replies stated that there was a considerable demand for and considerable difficulty in securing competent workmen to be employed by the year and that their localities offered good permanent opportunity to such workmen with families, even though without capital. This is strongly corroborated by the oral evidence of the farmers, from many sections of the State who appeared before the Commission. (Cf. Appendix XVI.)

Inquiry was also made concerning the wages and hours of farm laborers. According to the 522 reports made to the Commission, the average wage paid to men *employed by the year*, with board, is \$266.21 per year; without board \$374.81 per year. To men *employed by the day or week*, the average wage with board is \$1.26 per day; without board \$1.65 per day. The average harvest wage with board is \$1.74 per day; without board \$2.07 per day. The average length of the working day, exclusive of chores (which take from one to five hours), is nine and a half hours.

Among the causes advanced for the scarcity of farm labor in addition to unsteady employment, are low wages, long hours, hardship and monotony of farm life and work, and lack of enjoyments. Together these no doubt go far to explain the difficulty which farmers experience in securing the help which they require. It is matter of common knowledge, however, that improved transportation facilities, the trolley car, the bicycle, the telephone, the free rural delivery system, and even the automobile, are

*See Appendix XIV for detailed statement of results.

serving to relieve the isolation of the farm. The social attractions of the city remain, but when the price of these attractions is irregular and precarious employment, there is reason to believe that the solid advantage of regular employment on the farm, where this is offered, would attract the needed workers, if certain information in regard to the chance of such employment could be brought to their attention.

There is only one possible explanation of this apparently contradictory situation — the “job-less man,” on the one hand, and “the man-less job” on the other — maladjustment between the demand for, and the supply of labor. While in the first instance wage-earners are thrown out of work mainly by industrial causes, seasonal industries, trade depressions, introduction of machinery, new processes, commercial failures and the like, they remain unemployed, in many instances, because they lack the information as to the places where work is to be had, or if they have the knowledge, because they are unable to get to those places. Hence maladjustment, that is, the failure of idle workmen to connect with employers who need their work, accounts for a very large amount of unemployment.

There is nothing inexplicable about the existence of an oversupply of labor in one place and an unsatisfied demand for it in another. Considering how haphazard and unbusinesslike is the method of buying and selling labor, it could hardly be otherwise. If it were customary for manufacturers, when they wanted raw materials, to hang signs at their gates, as for instance, “Cotton wanted,” many of them would complain of inability to get their raw materials, while the makers of these raw materials might at the same time be looking for customers. To obviate this, there is a definite, organized market for cotton, leather and all other standard articles of trade. Buyers and sellers know where to meet, and they can gauge accurately the supply and demand. With labor, however, there is no such organization. Workmen go from door to door offering their services, and employers in need of workmen hang out the “Help Wanted” sign. There is nothing in this haphazard method to make it certain that the idle worker will find the vacant job. Hence we have wage-earners seeking employment and employers calling for labor, yet neither succeeds in finding the other.

The extent of this unsatisfied demand for labor, however, must not be exaggerated. The evidence before us by no means justifies the belief that under any system of labor exchanges, however perfect, the unsatisfied demand would fully absorb the supply of unemployed labor. Were all the available demand for labor supplied, our investigations indicate that there would still be a very large number of wage-earners for whom no steady work would be available. Unemployment is a normal feature of modern industrial life. So long as the requirements of industry vary from day to day, from season to season, and from year to year, unemployment is inevitable. To confine this normal unemployment within the narrowest possible limits, is, however, an important step toward the complete solution of the problem.

The State of New York assumes no responsibility for workmen out of employment. Our public officials are concerned only with those who have become entirely destitute and those who are committed for vagrancy. A number of charitable and philanthropic associations have, however, established employment offices. These have usually been conducted on a small scale and with little success. Workingmen are inclined to shun charitable employment agencies and employers do not generally seek efficient labor in such places. Although some of the employment bureaus supported by private philanthropy are ably managed, those interested in them would be among the first to admit that the undertaking is too great to be accomplished by private initiative.

Side by side with the philanthropic employment bureaus are the employment offices conducted for profit. Unfortunately many of these are notorious for their abuses, and rather accentuate than diminish maladjustment in the labor market. They do not seek to locate men in permanent places in industry or in the places best suited to them, but rather encourage them to change places often. It is to their interest to place men in temporary positions, since every job they get for a man means a fee for the office. We do not think it necessary to discuss the evils of the

Maladjustment between Supply of and Demand for Labor.

Existing Agencies.

private employment offices, since the subject was adequately treated by the Commission on Immigration which reported to the Legislature two years ago. These commercial bureaus are patronized mainly by people needing domestics and contract laborers. Of 759 employers reporting to the Commission, less than 3 per cent. patronize the private agencies. And whatever demand for labor is registered with them is scattered among hundreds of competing offices, each acting independently without communication or co-operation with the others. That there is no adequate machinery in this State for dealing with the problem of unemployment became evident at the very beginning of our investigations.

Foreign Ex-
perience.

The Commission ordered a study made of European methods of dealing with unemployment in order to determine whether the systems that have been successfully put in operation by foreign governments might not be adopted with advantage by our own State. Germany has, since the industrial depression of 1892-3, developed a system of public labor exchanges. Today it has 462 such exchanges which find places for almost a million workers annually. In England, since 1886, unemployment has been almost continuously a pressing problem. The best minds of the country have concerned themselves with the subject, many experiments have been tried, and finally in 1907 a Royal Commission to inquire into the Reform of the Poor Law was directed to consider what measures might be taken to relieve the situation. The voluminous reports of this Commission have supplied the basis for the legislative policy of the Liberal Government on the subject of unemployment. In November, 1909, the first step in this program was taken. All parties in Parliament united to pass the "Labour Exchanges Act," (Cf. Appendix V), which proposed to spend almost a million annually, (£200,000) in establishing and maintaining public employment offices. And in February, 1910, ninety-three labor exchanges were opened in different parts of the United Kingdom. By the end of the year 150 of these offices had been established, and they were placing in positions every day about 1,500 working people.

In addition to the establishment of employment exchanges, the Liberal Government has in view some plan of assisted insurance against unemployment, the details of which have not yet been made public. Such insurance against unemployment is being tried by some European cities, but its success appears to be still doubtful. On the other hand, trade union insurance, in the form of out-of-work benefits, has long been in successful operation and a combination of trade-union and municipal insurance against unemployment, known as the Ghent system, under which trade unions administering a system of out-of-work benefits are subsidized out of the city treasury, has won favor in certain Belgian cities.

Possible
Remedies

While our investigation has convinced us that the extent of unemployment in this State is sufficient to make it a serious and pressing problem, we are forced at the same time to conclude that it is the most difficult problem of modern industrial society, one which cannot be successfully solved by the hasty adoption of apparent remedies.

Remedies for the evils of unemployment naturally fall into three groups: (1) Fundamental measures aimed to reduce the supply of labor — such as restriction of immigration and raising the legal working age; (2) palliative measures, such as insurance against unemployment and the provision of public work for the unemployed; and (3) preliminary measures, aimed to reduce unemployment to its necessary proportions by establishing a system of public employment offices which will connect the supply of labor with the demand for it and at the same time collect the accurate statistical information necessary for a solution of the problem.

Restriction
of Immigra-
tion.

The further restriction of immigration, should such further restriction be deemed advisable, is not within the power of the legislature which created this Commission, and, therefore, we feel that it would be inappropriate for us to attempt to formulate recommendations on this phase of the subject. We do, however, emphasize the intimate connection between immigration and unemployment in this State and call attention to the recent report on immigration by the State Commission on Immigration, and to the voluminous report on the same subject that has just been presented to Congress

by the Federal Immigration Commission. The important bearing of the recommendations of these Commissions on our problem is obvious.

Raising the legal working age and providing additional years of compulsory school attendance would give an opportunity to make industrial training a part of public school education, and are measures which commend themselves to our judgment from many points of view. There might well result not only an immediate reduction in the supply of labor by the withdrawal of large numbers of children from the industrial field, but also a permanent increase in the proportion of efficient trained workers. However, the whole question of public industrial education is still under discussion. This State has already taken steps to introduce industrial training into the Public School system. But the problem is so complex that we do not deem it wise to attempt to discuss it from the standpoint of unemployment.

Insurance against unemployment through labor organizations is commendable, but we are not prepared to recommend legislation on this phase of the subject. In the absence of any exact information in regard to the average time lost in different trades, such insurance must rest on a very uncertain basis. Only when fuller information becomes available will the question whether the United States can safely imitate Belgium in encouraging trade unions to insure their members against unemployment come within the field of practical politics.

The provision of public work for the sole purpose of caring for the unemployed has almost always proved disastrous. In periods of great emergency such provision is often necessary, but all experience seems to show that its administration is fraught with great difficulties and the relief which it affords is paid for in wide-spread demoralization. It has been suggested to us that public authorities in this State might imitate the example of public authorities in Germany and the United Kingdom by deliberately adjusting the demand for workers on public works to the state of the labor market, increasing the demand when unemployment is common and decreasing it in periods when private business is active. Although such a policy, if intelligently and conservatively pursued has obvious advantages, we do not feel disposed, on careful consideration, to embody even this recommendation in our report.

The conclusion to which our inquiry has brought us is that, preliminary to any attempt to deal fundamentally with the problem of unemployment, we must have machinery which will enable us to gauge the necessary extent of the evil, to classify those who suffer in consequence of it, and to determine whether any further plan that is proposed is really adapted to meet the needs of the situation. With this end in view we submit the following recommendations:

RECOMMENDATIONS.

1. We recommend that a system of public employment offices be established covering all sections of the State, which will gather the demand for labor from every vicinity and receive applications from all who seek employment. By this means employers and workers in need of each other can be brought together.

Much of that unemployment which is due to maladjustment — to the failure of demand and supply to find each other — can be eliminated by such a system of employment offices. Embracing the entire State, its operations might effect with little difficulty the transfer of the surplus labor from the large cities to the small towns where, according to our inquiry, a considerable unsatisfied demand exists. It might, to a large extent, solve the farmer's difficulty in securing labor for his harvesting. For the short working season is perhaps the chief reason why city workmen hesitate to meet the farmer's demand. With employment offices ready to place farm workers in the industries of the neighboring towns when the winter comes, many more might be induced to take up work on the land. But perhaps the most important function these employment offices can perform is to reduce the time lost between jobs by the vast number of seasonal workers, casual and contract laborers.

It may be objected that we had a State Free Employment Office in New York city which proved such a failure that it was discontinued in 1906. But we should ourselves recommend the discontinuance of any similar office at the present time. Only \$5,000 was appropriated for its maintenance and operation; with this sum it was impossible to hire an efficient and adequate force, no money was available to advertise, and the office was hidden away on an obscure side street of the great city. Nothing but failure could result. This experience has been repeated in several other states with the same result. But it is evidence of the essential strength of the principle upon which public employment offices are based that, despite inadequate appropriations and the injection of politics into their management, they have made substantial progress in the United States. Since the first offices were established in Ohio in 1890 they have spread over twenty States. On the whole, their success has shown that the duty of bringing employer and wage-earner in touch with each other is a desirable one for the State to assume. The legislatures of other States are extending the operation of their free employment offices, increasing their appropriations, and devising methods for improving their efficiency. Ohio now has five offices, Wisconsin, Minnesota and Connecticut four each, Massachusetts and Washington three each, Illinois six, and Michigan eight. Those States in which the office force is selected through civil service examinations, and in which comparatively large appropriations are made for the work, now maintain efficient and serviceable free employment offices. Illinois spends almost \$50,000 for this work, and Massachusetts \$21,000.

The report of our investigator (Appendix III.) shows the Boston office to be the most efficient. It was established in 1906 with twenty-one clerks to register applicants. The first year it found places for 8,671 working people at the cost of \$1.35 per position secured. Since that time the force has been reduced to eleven, including the superintendent. It places over 15,000 applicants annually and the cost has gone down to ninety-one cents per position. The number of those who patronize the office is constantly increasing, employers and trade unionists are endorsing the work, and in the opinion of the general public, the results justify the expenditure. We believe that what can be done in Massachusetts can be done in New York. If employment offices are established according to the plan proposed in this report, with an appropriation adequate to insure efficient management, the success of other States and other countries will be repeated in this State.

Directing
Children
Into Promis-
ing Employ-
ments.

2. In conjunction with the system of public employment offices and as part of it, we recommend a plan by which more young persons can be directed into the skilled trades where the demand for labor is greater; thereby the oversupply of unskilled labor would be somewhat reduced. It is proposed to establish in each employment office, a separate department for children between the ages of fourteen and eighteen, which, working in co-operation with a voluntary committee representing the schools, the employers and the labor unions, may be expected to find opportunities for children to enter promising employments and thus prevent many of them from drifting into so-called "blind alley" occupations in which there is no future. Such co-operation between the schools and the public employment offices has been carried on with great success in Southern Germany and has recently been introduced into Great Britain. We feel positive that many of the boys and girls who now drift into unskilled work and consequent casual employment, can be directed into skilled trades which will mean more steady employment, through a juvenile department such as we propose.

Information
concerning
the Labor
Market.

3. A third function of the public employment offices, according to our recommendations, would be the securing of accurate information as to the number of the unemployed, their character and fitness, and the reasons for their idleness, and the publication of monthly bulletins concerning the state of the labor market. As we have already pointed out, the mere adjustment of supply and demand which it is hoped to accomplish by a business-like organization of the buying and selling of labor will not solve the problem of unemployment. But before we can take up further measures, information, much more complete and accurate than any available to-day,

must be secured. After every effort has been made to fill the available demand for labor, we must know how great the oversupply of labor is, what is the character of the surplus, whether skilled or unskilled, capable or inefficient. Again, it is necessary to know just what proportion of our workers serve as a reserve to meet changes in demand for labor, and to what extent it would be possible so to dovetail their occupations that when work in one industry becomes slack and employees are discharged they may quickly be shifted to another industry which is active at the time.

According to our plan all this information would be collected by the public employment offices, and published in monthly labor bulletins. Nothing can be more important to the people of a country than the state of the labor market, the supply of labor and the demand for it. Yet in this country we have no source of information about it. The money market, the stock market, the produce markets, have their exchanges. Bankers and investors can study the transactions of these, and obtain a fair idea of the state of the market. But the labor market is completely unorganized, unsystematized, uncentralized. Knowledge concerning it is not to be had. Both employers and workmen must depend upon chance and hearsay. In this again we are behind Europe. The governments of England, Germany, Belgium and France publish extended monthly reports of the demand for labor in the various industries and other information derived from the operation of their public employment offices.

PROPOSED LEGISLATION.

The recommendations of the Commission have been embodied in the following bill, the important sections of which are followed by paragraphs explaining their purpose in the general scheme:

AN ACT to amend the Labor Law, relating to the Department of Labor, and creating therein a new bureau.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The chapter syllabus of chapter thirty-six of the laws of nineteen hundred and nine, as amended by chapter five hundred and fourteen of the laws of nineteen hundred and ten, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended to read as follows:

LABOR LAW.

- | | | |
|---------|-------|---|
| Article | 1. | Short title; definitions. (Secs. 1, 2.) |
| | 2. | General provisions. (Secs. 3-21.) |
| | 3. | Department of labor. (Secs. 40-48.) |
| | 4. | Bureau of labor statistics. (Secs. 55-57.) |
| | 5. | Bureau of factory inspection. (Secs. 60-68.) |
| | 6. | Factories. (Secs. 70-96.) |
| | 7. | Tenement-made articles. (Secs. 100-105.) |
| | 8. | Bakeries and confectioneries. (Secs. 110-115.) |
| | 9. | Mines, tunnels and quarries and their inspection. (Secs. 120-136.) |
| | 10. | Bureau of mediation and arbitration. (Secs. 140-148.) |
| | 10-a. | Bureau of industries and immigration. (Secs. 151-956.) |
| | 11. | Employment of women and children in mercantile establishments. (Secs. 160-173.) |
| | 12. | Bureau of mercantile inspection. (Secs. 180-184.) |
| | 13. | Convict made goods and duties of commissioner of labor relative thereto. (Secs. 190-195.) |
| | 14. | Employers' liability. (Sec. 200-204.) |
| | 14-a. | Workmen's compensation in certain dangerous employments. (Secs. 215-219-g.) |

- Article 15. Employment of children in street trades. (Secs. 220-226.)
- 15-a. *Bureau of public employment offices.* (Secs. 227-238.)
16. Laws repealed; when to take effect. (Secs. 240-241.)

Section 2. Sections forty-one and forty-two are hereby amended to read as follows:

§ 41. Deputy commissioners. The commissioner of labor shall forthwith upon entering upon the duties of his office appoint and may at pleasure remove [two] *three* deputy commissioners of labor, who shall receive such annual salaries, [not to exceed three thousand dollars each], as may be appropriated therefor *as follows: not to exceed four thousand dollars for the deputy in charge of the bureau of public employment offices, and not to exceed three thousand dollars each for the other two deputies.* The powers hereinafter conferred upon the first, [and] second *and third* deputy commissioners shall not include the appointment of officers, clerks, or other employees in any of the bureaus of the department of labor.

§ 42. The department of labor shall be divided into [five] *six* bureaus as follows: Factory inspection, labor statistics, mediation and arbitration, industries and immigration, *public employment offices*, and mercantile inspection.

Section 3. The said act is hereby further amended by inserting between articles fifteen and sixteen thereof a new article, to be known as article fifteen-a, which shall read as follows:

ARTICLE 15-a

Bureau of Public Employment Offices.

- Section 227. *Bureau of public employment offices.*
- 227-a. *Organization.*
- 227-b. *Purpose*
228. *Office force and salaries.*
229. *Registration.*
230. *Reports.*
231. *Advisory committees.*
232. *Notice of strikes or lockouts.*
- 232-a. *Applicants not to be disqualified.*
233. *Departments.*
234. *Juveniles.*
235. *Co-operation of public employment offices.*
236. *Advertising.*
237. *Service to be free.*
- 237-a. *Penalties.*
238. *Monthly bulletin.*

§ 227. *Bureau of public employment offices. There shall be a bureau of free public employment offices which shall be under the immediate charge of the third deputy commissioner of labor, but subject to the supervision and direction of the commissioner of labor.*

The public employment offices are placed under the department of labor because of the close connection of that department's work with the purpose of these offices. In the inspection of factories, the gathering of labor statistics, and the settling of labor disputes, much aid might be given in bringing together those who need laborers and those who need employment. Particularly the bureau of industries and immigration will be able to help the employment offices. The distribution of immigrants and the investigation of employment agencies and places where immigrants work are activi-

ties closely connected with those to be undertaken by the public employment offices.

We provide that the chief of the bureau of public employment offices shall be made a deputy commissioner of labor, because he is to be intrusted with the duty of dealing with the whole problem of unemployment. He should be a man of wide experience, with executive ability to enable him to manage the various offices under his control as one unified system. To secure such a man a salary of at least four thousand dollars must be offered.

§ 227a. Organization. The commissioner of labor shall organize and establish in New York, Buffalo, Rochester, Syracuse, Albany, Binghamton, Watertown and Corning, public employment offices, with such branch offices as in his opinion may be necessary to meet local needs.

§ 227-b. Purpose. These offices are established for the purpose of bringing together all kinds and classes of workmen in search of employment and employers seeking labor.

In order to realize this purpose it is not enough to establish an office in New York city. It is necessary that offices be established throughout the State, so that comprehensive information in regard to applicants for work and opportunities for employment shall be at all times available. The cities mentioned have been chosen for the location of employment offices because they are convenient centres for employers and employees in different sections of the State. New York, Buffalo, Rochester, Syracuse and Albany are the leading industrial cities. To these Binghamton, Watertown and Corning have been added, because, in addition to being industrial centres, they are conveniently situated to supply important agricultural districts of the State with the farm labor which they require. These offices will be in constant communication with each other, and through them the surplus labor of the larger cities can be readily transferred to the smaller towns and agricultural districts, where there is an unsatisfied demand. In proposing to attack the problem in this comprehensive way we are but availing ourselves of European experience and following the example of the United Kingdom, which, as stated, has opened over 150 offices in an area only two and one-half times that of this great State.

§ 228. Office force and salaries. The commissioner of labor shall appoint for every office so organized, and may remove for good and sufficient cause, a superintendent and such clerical and other help as in his judgment may be necessary for the proper administration of the affairs thereof. The salaries of the superintendents shall be not more than two thousand five hundred dollars, nor less than one thousand five hundred dollars per annum, the amount to be determined by the commissioner of labor, with reference to the size and importance of the office to which said superintendent is assigned. The salaries of clerks and other subordinates shall be fixed by the commissioner of labor.

The selection of the staff of the employment offices should be only after strict civil service examinations. The work of several of the free employment offices in this country has been hampered and often allowed to become merely perfunctory because of the influence of politics in the selection of the staff. Where politics have determined appointments limitations have been put by law upon the number of clerks and other help that may be employed. We do not think this limitation is wise, because the size of the staff is best determined by the necessity in each particular case.

§ 229. Registration. The superintendent of every public employment office shall receive applications from those seeking employment and from those desiring help, and shall register every applicant in properly arranged books or forms provided by the commissioner of labor, and shall take such other action as he

may deem best to promote the purposes of said office. Every application for employment or labor made under this act shall be void thirty days after its receipt, unless renewed by the applicant.

§ 230. *Reports. Each superintendent shall make to the commissioner of labor such periodic reports of applications for labor or employment and all other details of the work of his office, and the expenses of maintaining the same as the commissioner of labor may require.*

The records of these employment offices will reveal the state of the labor market. It is therefore of the utmost importance that these records be accurately kept. It is customary in most employment agencies not to register applicants if at the time they apply there are no vacancies. In order that we may know exactly how many are unemployed the provision is made that all who apply shall be registered. The provision for renewal of registration every thirty days is for the purpose of taking off the list of unemployed, those who may have found work through their own efforts during the month. The Commissioner of Labor should prescribe the forms and methods of registration to be used so that the records may be uniform throughout the State, and so that the public may have accurate data as to the state of the labor market.

§ 231. *Advisory committees. The commissioner of labor shall with the advice and assistance of the commissioner of agriculture appoint an advisory committee on farm labor of which the commissioner of agriculture shall be chairman and the master of the state grange and three other representative farmers in the state shall be members. It shall be the duty of this committee to advise and assist the third deputy commissioner of labor with a view to increasing the efficiency of the bureau as a means of supplying farm labor to the farmers of the state. The commissioner of labor shall also organize for each public employment office an advisory committee, whose duty it shall be to give the superintendent advice and assistance in connection with the management of the said employment offices. The superintendent shall consult from time to time with the advisory committee attached to his office, but he shall not be bound by the recommendations of said committee. This advisory committee shall be composed of employers and employees with a chairman who shall be agreed upon by a majority of both the said employers and employees. Vacancies, however caused, shall be filled in the same manner as the original appointments. The local advisory committees may appoint sub-committees for each of the departments hereinafter mentioned. At the request of the majority, either of the employers or of the employees on local advisory committees, the voting on any particular question shall be so conducted that there shall be an equality of votes between the employers and the employees, notwithstanding the absence of any member. Save as aforesaid, every question shall be decided by a majority of the members present and voting on that question. The chairman shall have no vote on any question on which the equality of voting power has been claimed.*

The purpose of this section is to win the confidence of employers and wage-earners, and to enlist their co-operation in making the work of the bureau successful. As an important purpose of the bureau is to supply farmers with the labor which they require, it is deemed advisable to have a special committee on farm labor. Experience has shown that no employment office can gain a wide influence without the confidence of those for whom an employment office is primarily created. Practically all of the European labor exchanges have advisory committees of this character.

§ 232. *Notice of strikes or lock-outs. Any association of employers or workmen may file at a public employment office*

a statement with regard to the existence of a strike or lock-out affecting their trade. Any such statement shall be signed by a person authorized by the association for the purpose. Such a statement shall be exhibited in the employment office, but not until it has been communicated to the employers affected, if filed by a labor organization, or to the labor organization if filed by the employers. In case of a reply being received to such a statement, it also shall be exhibited in the employment office. If any employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements that have been made.

§ 232-a. Applicants not to be disqualified. No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a public employment office, where the ground of refusal is that a strike or lock-out exists which affects the work, or that the wages are lower than those current in the trade, in that particular district or section where the employment is offered.

The confidence of employers and workmen cannot be retained unless the employment offices preserve a neutral attitude in relation to labor disputes. This is the purpose of these provisions. If men were sent from one city to work in another at wages below what its workmen have been accustomed to receive, the employment offices could be justly accused of aiding employers to beat down wages. In times of strike if the offices refused to furnish help it might be accused of siding with the labor unions. A practical way out of the difficulty has been found in the plan of notifying the applicant of the existence of a strike and letting him go to work for the employer if he wishes to do so.

§ 233. Departments. The commissioner of labor shall organize in every office separate departments with separate entrances for men, women, and juveniles; these departments shall be subdivided into a division for farm labor and such other divisions for different classes of work as may in his judgment be required.

§ 234. Juveniles. Applicants for employment who are between the ages of fourteen and eighteen years shall register upon special forms provided by the commissioner of labor. Such applicants, upon securing their employment certificates as required by law, may be permitted to register at a public or other recognized school and when forms containing such applications are transmitted to a public employment office they shall be treated as equivalent to personal registration. The superintendent of each public employment office shall co-operate with the school principals in endeavoring to secure suitable positions for children who are leaving the schools to begin work. To this end he shall transmit to the school principals before every graduation a sufficient number of application forms to enable all pupils to register who desire to do so; and the said principals shall acquaint the teachers and pupils with the purpose of the public employment office in placing juveniles. The advisory committees shall appoint special committees on juvenile employment which shall include employers, workmen and persons possessing experience or knowledge of education or of other conditions affecting young persons. It shall be the duty of the special advisory committees to give advice with regard to the management of the public employment offices to which they are attached in regard to juvenile applicants for employment. Such committees may take steps either by themselves or in co-operation with other bodies or persons to give information, advice, and assistance to boys and girls and their parents with respect to the choice of employment and other matters bearing thereon.

This section carries out our recommendations with regard to directing young people away from unskilled occupations and into promising employments. It is modelled after the regulations of the British Board of Trade for the placing of juveniles by labor exchanges. The laws creating free employment offices in most of our States that have them, provide that two departments with separate entrances be established, one for men and the other for women. We create a third department to look after the interests of children.

§ 235. Co-operation of public employment offices. The commissioner of labor shall arrange for the co-operation of the offices created under this act in order to facilitate, when necessary, the transfer of applicants for work from places where there is an oversupply of labor to places where there is a demand. To this end, he shall cause lists of vacancies notified to the several offices to be prepared and shall supply them to newspapers and other agencies for disseminating information in his discretion, and to the superintendents of the public employment offices. The superintendents shall post these lists in conspicuous places, so that they may be open to public inspection.

The purpose of this action is obvious. It is believed that much of the congestion of labor in New York city and other centres may be relieved in normal times by such co-operation.

§ 236. Advertising. The commissioner of labor or those whom he may direct shall have power to solicit business for the employment offices established under this act by advertising in newspapers and in any other way that he may deem expedient, and to take any other steps that he may deem necessary to insure the success and efficiency of the bureau: Provided, that the expenditure under this section shall not exceed five per cent. of the total expenditure for the purposes of this act.

This power is necessary in order to make the work of the offices successful. Unless it is widely known that employers can get help at the offices and that wage-earners may find opportunities for employment there, the purpose of the public employment offices cannot be accomplished. Advertising and soliciting are necessary to induce employers to give their patronage.

§ 237. Service to be free. No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this act.

§ 237-a. Penalties. Any superintendent or clerk, subordinate or appointee, appointed under this act, who shall accept directly or indirectly any fee, compensation or gratuity from anyone seeking employment or labor under this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in jail for a term not exceeding six months, or both, and shall be disqualified from holding further connection with the bureau.

It is desirable to make the service free because experience has shown that the utility of an employment bureau is handicapped even by the smallest fee, and the advantages which come from a small fee do not make up for this. If the fee is high, many deserving persons are excluded from the benefits of the office. If it is low, the time and trouble of keeping accounts is worth more than the amount collected, and could be used to better advantage. A fee is usually advocated as a means of discouraging the unemployables from coming to the bureau, but it has been found throughout Europe and in Massachusetts, that an efficient manager can eliminate the undesirable element without charging fees.

§ 238. Monthly bulletin. The bureau of statistics of the department of labor shall publish monthly a bulletin in which shall be made public all possible information with regard to

the state of the labor market. To this end it shall publish reports of the business of the various public employment offices, and such other information as to employers wishing service and persons seeking employment as the various bureaus of the department of labor may collect and furnish.

§ 4. *This act shall take effect September first, nineteen hundred and eleven.*

If the above recommendations are adopted, your Commission believes that the most important and practical first step will have been taken toward solving the problem of unemployment.

Respectfully submitted.

J. MAYHEW WAINWRIGHT,
Chairman.

F. C. PLATT,
HOWARD R. BAYNE,
from the Senate,

A. D. LOWE,
GEORGE A. VOSS,
F. B. THORN,
CYRUS W. PHILLIPS,
EDWARD D. JACKSON,
from the Assembly

HENRY R. SEAGER,
GEORGE W. SMITH,
OTTO M. EIDLITZ,
JOHN MITCHELL,
CRYSTAL EASTMAN,
appointed by the Governor.

JOSEPH P. COTTON, JR.,
Counsel to the Commission

APPENDICES.

APPENDICES.

APPENDIX I.

REPORT OF THE COMMITTEE ON UNEMPLOYMENT.

To the Honorable J. MAYHEW WAINWRIGHT, *Chairman of and Members of the Commission on Employers' Liability and Causes of Industrial Accidents, Unemployment and Lack of Farm Labor.*

GENTLEMEN.—On behalf of the Committee on Unemployment, I take pleasure in submitting herewith its report to date. In the preparation of the same, the committee has endeavored to cover every possible phase of the subject. The report of its chairman of the investigation personally conducted by him and Mr. William M. Leiserson, the expert investigator of the Commission, who accompanied him as his secretary, is contained in Appendix II.

The recommendations proposed herein are the result of careful study of the subject-matter and the consideration of the same by the Commission is most earnestly requested.

Yours respectfully,

GEORGE A. VOSS,

Chairman, Committee on Unemployment.

Dated, NEW YORK, January 23, 1911.

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I. INTRODUCTORY STATEMENT.

We find in the industrial centers of this State at all times of the year, wage-earners able and willing to work, who can not get employment. We find others willing indeed to work, but, who, because of lack of ability or training, are unable to hold their positions. And we find still others who are neither able nor willing to work — except at an odd job here and there — and who exist by begging or by making the rounds of the charitable organizations and the religious societies which attempt to reclaim them. While this body of unemployed is always in existence, complaints come from employers throughout the State, that during the busy season they can not get enough skilled workmen competently trained in their trades. At certain times of the year, too, the agricultural districts and the smaller towns complain that even unskilled labor can not be had in sufficient quantity to meet the demand.

This is the condition which has been found to exist, not only in New York, but in every industrially developed state in the country. While wage-earners and their families are suffering distress or reduction in their standard of living from want of employment, certain industries and the agriculture of the State are hampered in their development because of insufficient labor. Employers as well as workmen are discontented. Labor is wasted by remaining idle. Capital is not used to its fullest capacity. It must be noted, however, that the unsatisfied demand for labor exists only for short periods during the year, while the unemployed are ever present, and therefore even if this demand were filled there would still be a residue of unemployed.

Our inquiry then is a double one. First, to find out the extent to which the wage-earners of New York are unemployed; and secondly, to discover why all the demand for labor is not met. The first is by far the more important inquiry. We proceed to that and leave the second for later consideration.

What the actual number of unemployed wage-earners in the State of New York is at any one time we are unable to say with any degree of accuracy.* Statements have been made to us that there were 200,000 unemployed in the city of New York, and 500,000 in the State. Upon inquiry, we find no basis whatever for these statements. They are on a par with the assertion often made that anyone willing to work can always find employment. There are no statistics available from which to compute the actual number of those without work. From the evidence before us, we can say with certainty only this: That there are at all times able-bodied wage-earners out of work in every city of the State; that the number varies from month to month and from year to year; that it grows larger during the winter and during the years of industrial depression, and reaches tremendous proportions every fifteen or twenty years. A conservative estimate would be that in ordinary years of business activity, the least number out of work is about 3 per cent. of the wage-earners regularly employed in the industries of the State, while during the winter months, the number would rise to 8 or 10 per cent. In a year of business depression like 1908 the number out of work ranges from 15 to 30 per cent.

These estimates do not include all of the unemployed. Over and above the percentages here given are the beggars, tramps, and vagrants who have entirely dropped out of our industries. It may be that these deserve none but criminal treatment. But they constitute a loss as well as a danger to the State. They might be wealth producers and, just as vagrancy leads directly to crime, so unemployment leads directly to vagrancy. The most stringent measures need to be taken to prevent men from remaining for long in the ranks of the unemployed, lest they drop into vagrancy and crime.

Before proceeding to the evidence on which our statement and estimates are based, it may be well to add that the condition we find in New York State is by no means a new one, nor is our experience unique. Unemployment is a permanent feature of industrial life everywhere. The experience of every industrially developed European country in which studies have been made shows that industry and unemployment go hand in hand.

The monumental reports of the Poor Law Commission of Great Britain which have been made the basis of the Liberal Party's legislative policy on these questions show this to be true for that country. The minority of the Commission found:†

"That distress from want of employment, though periodically aggravated by depression of trade, is a constant feature of industry and commerce as at present administered;

* The British Royal Commission on the Poor Laws found the same difficulty. Says the Minority Report, p. 1131: "We have found ourselves unable to answer two elementary questions. There are no statistics available which enable us to compute, even in hundreds of thousands, how many persons are at any one time simultaneously in distress from unemployment, or whether this number is or is not greater, relatively or absolutely, than the corresponding numbers for other countries at the present time, or for our own country at previous times."

† Report of the Royal Commission on the Poor Laws, and Relief of Distress, p. 1177.

and that the mass of men, women, and children suffering privation due to this Unemployment in the United Kingdom amounts, at the best of times, to hundreds of thousands, while in years of trade depression they must exceed a million in number."

And the majority report agrees in these words:

"At every Relief Committee — and later, at every Distress Committee — there appeared large numbers who did not seem to fit in with the theory that, in times of good trade, there was approximately full employment for all classes. Before every Committee, appeared numbers in the prime of life as regards years to whom the idea of 'tiding over' was evidently quite inapplicable."*

In Germany, in France, in Belgium, in Switzerland, in Denmark, in The Netherlands and in Norway, the governments as a result of careful statistical studies have recognized the fact of unemployment and attempted to deal with it by the various forms of legislation which are described later in this report. In all of these countries some form of insurance against unemployment is either in existence or under consideration. The spread of unemployment insurance across all the industrial countries of Europe is conclusive evidence that unemployment is recognized as a permanent condition. It is not an exceptional phenomenon. It is a risk to which wage-earners are always liable, and the governments of Europe have recognized that some provision must be made against it.

II. EXTENT OF UNEMPLOYMENT.

I. THE NUMBER OF THE UNEMPLOYED.

If unemployment is characteristic of modern industry everywhere, New York State is no exception to the rule. And while we have no statistics as to the actual number of the unemployed, the records of trade unions, charitable societies and employment offices, and the special studies of the earnings of workingmen's families, furnish a mass of evidence that unemployment is a serious menace to the standard of living of the wage-earners and therefore to the welfare of the State.

Unemployed at Relief Agencies.— The work of the few existing agencies for the relief of the unemployed furnishes ample proof of the existence of unemployment at all times, during prosperous as well as during dull years.

During the year 1909 from 30,000 to 34,000 people sought lodging at the Free Municipal Lodging House in New York city. The usual number of different people accommodated is from 25,000 to 30,000 a year and the daily average of lodgings given is over 200, ranging from about 100 in the summer months to over 400 in the cold winter months. These people are all homeless and penniless, but in the opinion of those in charge all are by no means unemployable. Inquiries are sent to former employers of these lodgers and the answers show that the majority of them are good workmen, many of the employers stating that if they had work they would take the men back.

The records of the charitable organizations show that in a large proportion of the cases which come under their care destitution is due primarily to lack of work. Thus in 439 or 29 per cent. of 1,500 families helped by the Charity Organization Society of New York city during the year from October 1908 to October 1909, just after the panic, destitution was due to inability to get work.† Of the families helped during the year 1904-5, it was found that 22.5 per cent. needed work primarily and not relief.‡ Out of 935 cases under the care of the society during the year 1898-9 one-fourth of the families were suffering from unemployment due to no fault of their own and only sixty-six of the heads of families were fully employed.§ In 796 or 42 per cent. of the cases under its care during 1897-8 the Society reported that the chief need was work rather than relief.**

The Association for Improving the Condition of the Poor reports in 1908 that out of a list of 300 applicants picked at random, 106 or 35½ per cent. had applied for aid because of lack of work, and 18 per cent. because of insufficient work or wages.***

Applicants at Employment Offices.— The experience of the various philanthropic employment offices furnishes more evidence. The employment bureau of the Bowery Mission during its existence of two and a half years has found work for only 9,000 out of about 40,000 applicants. The Salvation Army placed less than 500 out of over 5,000

* Ibid. p. 334.

† See Appendix VII.

‡ Annual Report Charity Organization Society, p. 78. The treatment given was "work only" in 11.04 per cent. of the cases, and "work with relief" to 11.43 per cent. of the families.

§ Ibid, 1898-9. Report of Committee on Statistics, p. 61.

** Ibid, 1897-8.

*** In all, 90 per cent. of the applicants had come to ask for relief through no fault of their own. Sickness, old age, accidents, etc., made up for the rest. Sixty-fifth Annual Report of the New York Association for Improving the Condition of the Poor, 1909, p. 10.

applicants in 1910. The Alliance Employment Bureau for Women placed during 1909 only 1,000 out of 2,500 applicants, and every month of the year there were more applicants than work could be found for. Out of 24,600 applicants for work the National Employment Exchange could find work for only about 4,600. The Young Men's Christian Association (Bowery Branch) found jobs for only 416 men out of 2,410 in 1908, and for 774 out of 2,491 men in 1909. The Division of Information of the United States Bureau of Immigration placed in employment only 3,812 out of over 24,000 who applied. The Bureau of the State Department of Agriculture has not very accurate records of the number of applications but we are assured that there is always an excess of applications for work over the number of positions secured.*

Private employment offices have the same experience. The report of the Immigration Commission of this State in 1909, stated:

"In spite of this reduction in the number of aliens and the very large decrease in the number of immigrants, (due to the panic of 1908) there was still left in New York city an enormous over-supply of labor, because of the great falling off in the demand for workers. An investigation of 105 agencies disclosed that there were from two to thirty times as many applicants as there were positions filled weekly. An element to be considered in this statement is the possibility of duplications of those seeking employment among different agents. Taking without any particular selection, seventy-four of the agencies visited, the number of applicants weekly totaled 4,562, while the average number of positions filled weekly was 1,020, or an average of 4.5 applicants for every position filled."†

Testimony of Employers and Workmen.—The statements of employers and wage-earners made in answer to inquiries sent out by the Commission serve to confirm the above evidence, and prove beyond a doubt the existence of a vast amount of unemployment. To the question "Are you always able to get all the help you want?" out of 723 employers 458, or 63 per cent., replied "yes." At the same time, 663 or 87.2 per cent. reported that they get their help wholly or mainly from people who make personal application at the plant. Obviously, there must be a great number who go from plant to plant in vain, if these employers can always get all the help they want. Further, 322, or about 44 per cent. of employers replying, report that there is an actual over-supply of some kinds of labor.

The Commission also sent out a list of questions to trade unions. Of 179 replies to the question "whether there are at all times of the year some members out of work," 95, or 35 per cent., replied "Yes."

These facts only bear out the experience of all careful observers. A round of the newspaper offices any morning shows rows and rows of men and boys scanning the want advertisements and writing letters for jobs. And the experience of legislators of the State as told by the Hon. Lindon Bates, Jr., at one of our hearings further illustrates the point:

"I believe anybody who has been in politics in New York, and had an average of about ten men a day at times, come up looking for work, and simply going to their assemblyman or alderman because he is the outward and visible sign of officialdom, where you see apparently about half of those men are clean, decent, hard-working people that simply cannot get work, you could get a pretty good idea of the fact that very certainly unemployment does exist, and when you have seen these men in the course of a year or two years go down into the lower ken, you cannot help feeling a certain amount of sympathy and a desire that some of the brains and some of the intelligence of the body politic be put onto this problem."

Censuses and Special Investigations.—Every census and every special investigation among the working Classes has revealed the existence of a large class of unemployed. The United States Census began asking questions about unemployment in the year 1880, but the information secured was not tabulated. In 1890, the returns showed that about 15 per cent. of the persons engaged in gainful occupations in the State of New York were idle some time during the year. The census questioned the accuracy of these figures and stated they represented tendencies only. In 1900 the returns on unemployment were better than in 1890, but not entirely satisfactory. Again they were valuable only in showing a tendency. Twenty-five per cent. of those engaged in manufacturing and mechanical pursuits were unemployed some time during the year in New York State. Of these, over half lost from one to three months, while 37½ per cent. lost from three to six months.

These figures include all those engaged in gainful occupations, employers, and hired officials, as well as wage-earners. If wage-earners alone were considered the number who had suffered unemployment would be considerably greater than 25 per cent. The census, unfortunately, does not distinguish the wage-earners from the other occupied persons, but

* Only the Labor Information Office for Italians shows a greater demand for help than for work in every month of the year.

† Report of the Commission of Immigration of the State of New York, p. 111.

if we select some occupations which are made up mainly of wage-earners, it appears evident that the number of workingmen who have intermittent employment is much greater than 25 per cent. Thirty-seven per cent. of the tailors, 30 per cent. of the tobacco workers, 43 per cent. of the laborers and almost 50 per cent. of the building workers, were unemployed for a month or more.

PER CENT. OF WAGE-EARNERS IN NEW YORK STATE UNEMPLOYED ONE MONTH OR MORE —
CENSUS 1900.*

Occupation.	Per cent. unemployed.
Laborers (domestic and personal)	43.7
Carpenters and joiners	38.9
Masons (brick and stone)	54.1
Painters, glaziers and varnishers	40.1
Saw and planing mill employees	32.7
Tailors	36.9
Tobacco and cigar factory operatives	30.9

In 1902 the United States Bureau of Labor made a very intensive study of the cost of living of 25,000 families in all parts of the country. Of these, 4,270 families were situated in the State of New York. While this number is not very large, the families were selected because they seemed representative of the entire working population of the State, and the trained character of the investigators make the information about these families among the most reliable that we have.

It was found that of 4,270 heads of families in the State of New York, 1,871 or 43.8 per cent. had steady work during the year, (1902); and 2,399 or 56.2 per cent. had suffered some unemployment. The conditions in New York were slightly worse than in the United States as a whole. Taking all the 25,400 families the number who had suffered unemployment and the number who had lost no time during the year were about equally divided.†

The 2,399 heads of families in the state who had suffered some unemployment lost an average of ten weeks each. In the amount of time lost, New York was again a little worse off than the whole of the United States. For 12,154 heads of families living in thirty-three states who had been idle some time during the year, the average number of weeks of idleness was a little less than nine and a half.

If we consider all the heads of families, both those who lost time and those who worked steadily, the average number of weeks of idleness was over five and a half in New York, and about four and three-quarters in the United States. The following table gives the exact figures:

PER CENT. OF HEADS OF FAMILIES IDLE AND AVERAGE WEEKS IDLE.
(U. S. Bureau of Labor—Annual Report, 1903.)

	Per cent. idle.	Average weeks idle based on heads of families idle.	Average weeks idle based on total heads of families.
New York	56.18	10.08	5.63
United States	49.81	9.43	4.70

Unemployed Members of Trade Unions.—More evidence of the presence of unemployment as a constant factor in our industrial life is furnished by the studies of trade unions made by the New York Department of Labor. Chart I shows the percentage of unemployment in these returns for every month from January 1902, to June, 1902-1909. Each bar represents a month. The shaded portion is the percentage of unemployment due to trade conditions, in which is included lack of work, lack of stock, and the weather. The unshaded portions represent unemployment due to sickness, old age, or other disability, and to labor

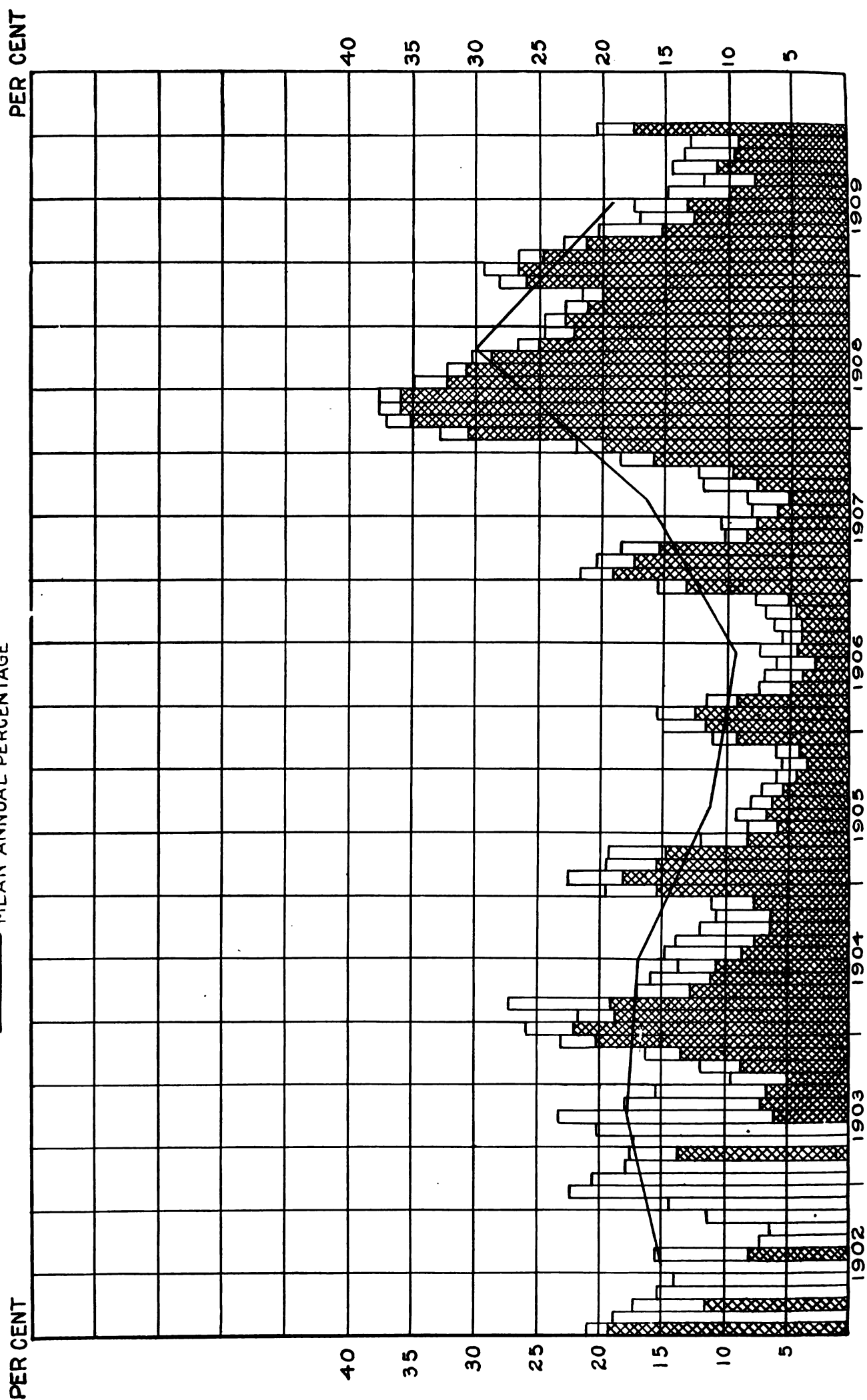
* Compiled from table 41, Special Report on Occupations.

† The evidence here that about 50 per cent. of the wage-earners were out of work some time during the year shows again how the census percentages of unemployment appear low, because employers and officials are grouped with wage-earners in the returns.

CHART I

PER CENT OF UNEMPLOYED TRADE UNIONISTS—NEW YORK 1902-1909
(Shaded Bars Represent Unemployment Due to Trade Conditions)

— MEAN ANNUAL PERCENTAGE



disputes. It will be seen at a glance that trade conditions cause the largest amount of unemployment, over 75 per cent. during the ordinary years, and over 90 per cent. during years of depression.

The Department of Labor receives returns from about 100,000 members of trade unions in the State. Of these, in ordinary years of business activity, about 15 per cent. are usually idle during the winter months. In the spring the percentage of unemployment begins to fall, rises slightly in the summer and then reaches its lowest limit during the fall months when the number of unemployed union men is about 5 per cent. of all those reporting. During years of depression both limits are greatly increased, the number idle ranging from 15 to 35 per cent. These figures cover only unemployment due to trade conditions. Those who are out of work because of sickness, old age, or other disability, or because of labor disputes, are not included.

It is impossible to say how representative these figures are of the general amount of unemployment. It is argued that trade unionists represent the more skilled trades and in these there is less unemployment than among unskilled laborers. On the other hand, it is contended that union men will not work for less than the scale set by the union and are therefore more likely to be unemployed. The returns from the trade unions are also invalidated as an index of the amount of unemployment because they do not show the number of their members who are employed at another trade, while out of work in their regular occupation. Furthermore the reports are made not by the men themselves, but by the secretary or business agent of the union who during busy years is inclined to underestimate the number unemployed, lest the information be used by employers. On the other hand, during periods of depression the official is inclined to overestimate the number. But we are not here concerned with the exact accuracy of these figures. We present them only to show that even among the skilled and organized workers some are out of work every month during years of prosperity as well as during years of depression.

2. FLUCTUATIONS IN AMOUNT OF EMPLOYMENT.

We have shown thus far the existence of unemployment in our State, during prosperous as well as during dull years, so far as it was possible to do this by actual counts of unemployed people. The difficulty of securing such statistics and the inadequacy of them when compiled must be evident from our recital. But even if the actual number of the unemployed could be calculated it would not help us very much. The evil of unemployment is not necessarily greatest when the total number of unemployed is the largest. We want to know not so much how many are without work, as how many *need to be* without work. How many are *compelled* to suffer a reduction in their earnings through idleness every year? The problem must be approached from the standpoint of the industry. We must study and measure the demand of employers for labor. How many workmen can the industries of our State use? How many can they employ steadily? How many can have work for the whole year? How many are needed for only a season, a month, a day, or for a few hours? For purposes of temporary relief it is of value to know who and how many are at any one time in distress from want of employment. But for a policy of prevention, for a state seeking to reinstate its idle in their places in industry, the inquiry must be into the forces which throw men out of work.

The basic fact in the problem of unemployment is the demand of employers for work-people. If this is not steady but fluctuating, then the best measure of *necessary* unemployment is the amount of these fluctuations. Personal failings, such as lack of training, reliability, efficiency, etc., may determine which individual shall be discharged first, but as one of the employers stated during the recent shirt waist strike, employers cannot "keep at work employees for whom there is no work to do, as they are not running eleemosynary institutions, nor are they able to regulate the law of supply and demand which governs the waist making industry as it does all others."

When we approach the problem from this side, when instead of trying to count all those who happen to be idle, we look into the nature of the demand for labor, and get some measure of the unsteadiness of this demand, then we have a much more comprehensive and a much more accurate idea of the extent and seriousness of the problem of unemployment.

Fluctuations Within the Year.—The needs of employers for workers are crudely represented in the number of wage-earners they employ from month to month. Seven hundred and fifty-nine employers in this State have reported to us the number of their employees for the fifteenth day of each month during the year 1909. Here are the total figures:

NUMBER OF EMPLOYEES ON THE FIFTEENTH DAY OF EACH MONTH — 1909.

MONTH.	All industries.	Manufactures.	Mercantile establishments.	Building and construction.	Railroads.	Light, heat and power companies.	Miscellaneous
January.....	321,861	106,789	3,442	1,614	160,478	3,436	46,102
February.....	323,772	108,999	3,375	1,480	159,574	3,545	46,799
March.....	329,221	110,918	3,503	1,679	161,425	3,601	48,095
April.....	332,952	110,709	3,614	1,826	164,441	3,641	48,721
May.....	335,030	111,274	3,665	1,644	165,554	3,889	49,004
June.....	337,888	111,671	3,618	2,225	166,935	3,992	49,447
July.....	337,824	109,994	3,430	2,411	168,522	4,071	49,396
August.....	340,389	111,291	3,191	2,411	169,785	4,041	49,670
September.....	346,360	115,264	3,756	2,713	170,289	4,080	50,214
October.....	348,104	114,184	3,983	2,418	171,591	4,148	51,780
November.....	365,223	122,458	4,238	2,713	171,392	4,073	53,398
December.....	363,406	122,400	4,981	2,705	173,947	4,015	55,358

It will be noted that there is on the whole an increase in the number of employees from month to month over the entire year. This is exceptional and shows how business was recovering from the depression of 1908. But despite the general tendency to take on more employees as business recovered, there was a reduction in the number of employees in manufacturing pursuits during July and October. The mercantile establishments threw off many workers in February and still more in August. In December a great amount of extra help was taken on to meet the rush of the holidays, and these were laid off in January. In building and construction the reduction of the number of wage-earners employed came with the approach of the winter. In the other industries the normal variation in the number of workers employed from month to month is hidden by the returning prosperity which marked the year 1909.

Fortunately we have statistics covering practically all the manufacturing establishments in the State, which show the number of wage-earners employed from month to month during normal years. In the following table the average number employed each month in the years 1900 and 1905 is given with the percentage of increase or decrease from the preceeding month.

WAGE-EARNERS EMPLOYED IN MANUFACTURING INDUSTRIES IN STATE OF NEW YORK.
(U. S. Census of Manufactures.)

MONTH.	AVERAGE NUMBER.		PER CENT. INCREASE +. PER CENT. DECREASE —	
	1900.	1905.	1900.	1905.
January.....	799,573	817,392	.....	.....
February.....	818,003	838,719	+2.3	+2.5
March.....	853,056	857,436	+4.0	+1.8
April.....	884,231	861,782	+3.6	+0.7
May.....	887,576	848,514	+0.4	-1.6
June.....	849,387	836,239	-4.0	-1.4
July.....	813,745	828,817	-4.1	-0.9
August.....	818,525	853,093	+0.6	+2.8
September.....	873,005	892,141	+7.4	+4.4
October.....	888,405	905,428	+1.8	+1.5
November.....	870,398	887,637	-2.0	-2.0
December.....	832,768	856,256	-4.4	-3.6

It will be seen that in both years there is an increase in the number of workers employed every month up till May. Then there is a decrease. Employees are laid off during June and July. In August, September and October, they are taken on again, and in October more people are employed than in any other month of the year. Then in November a decrease sets in and continues during December and January.

This fluctuation in the number working from month to month fairly represents the normal demand for labor in manufacturing industries. It is true that the months showing decreases include cases of disability, personal deficiency and vacations as well as discharges for want of work, but disability and inefficiency are constant factors and

appear not only during the months showing a decreased number of workers, but also in every other month of the year. The phenomenon of two busy and two slack seasons exhibited by these fluctuations is perfectly familiar to those engaged in manufacturing trades. Undoubtedly the predominant factor is the condition of trade; over 95 per cent. of the employers who replied to the Commission's inquiry stated that fluctuations in the number of their employees was due to trade conditions, lack of orders, seasonal work, etc.*

Normally, then, about 10 per cent. of the wage-earners who are working in October are not working in January. In October, 1900, there were almost 890,000 wage-earners employed. In the same month of 1905 there were over 905,000. During January of these years about 799,000 and 817,000, respectively, were employed. In each case this means that about 88,000 people were not working in January who were employed in October. Ten per cent. of the wage-earners engaged in manufactures, therefore, are kept as a reserve to meet the fluctuating monthly demands.

When we look into the individual industries, we find a much greater fluctuation. Thus food and kindred products show a reserve of 33 per cent.; textiles, 13 per cent.; lumber and its products, 26 per cent.; glass and stone products, 43 per cent.; but the 10 per cent. variation between the busiest and the slackest months is a fair indication of the necessary unemployment.

We must not assume that all who can work at the trades here represented and who want to work are employed during the months which are the busiest. The fact that most employers can always get all the help they want, though they complain of the quality, shows that some are unemployed even during the busiest times. Still better is this shown by the fact that within each month there are variations from day to day. Thus during 1900 and 1905, while the average number employed in the busiest months was 888,000 and 905,000 respectively, the greatest number at work at any one time during those years is given as 1,091,026 and 1,075,570 respectively. If we take these as the bases, the average number unemployed each month was much greater. Thus:

AVERAGE NUMBER AND PER CENT. UNEMPLOYED EACH MONTH, BASED ON THE GREATEST NUMBER EMPLOYED AT ANY ONE TIME DURING THE YEAR.

MONTH.	1900.		1905.	
	Average number unemployed.	Per cent. of greatest number employed.	Average number unemployed.	Per cent. of greatest number employed.
January.....	291,453	26.7	258,178	24.0
February.....	273,023	25.0	236,851	22.0
March.....	237,970	21.8	218,124	20.2
April.....	206,795	18.9	213,788	19.8
May.....	203,450	18.6	227,056	21.1
June.....	241,639	22.1	239,331	22.2
July.....	277,281	25.4	246,753	22.9
August.....	272,471	24.9	242,477	22.5
September.....	218,021	19.0	183,429	17.0
October.....	202,621	18.5	170,142	15.8
November.....	220,628	20.2	187,933	17.4
December.....	258,258	23.6	219,314	20.3

It appears then that even during October, the busiest month of each of these years, the average number working was over 170,000 less than the greatest number which had been employed at some time of the year, while the average number employed in January was less than the greatest number employed at any one time by over 250,000. That is to say, if the greatest number employed at any one time represents the maximum demand for labor in these industries, then the average number employed during the busiest month was short of the maximum demand by 18 per cent. in 1900 and by 16 per cent. in 1905; while the average number employed in the slackest month, January, was 26 per cent. less than the maximum demand in 1900 and 24 per cent. less in 1905. Nor do the last figures show the greatest amounts of unemployment. The census gives the least number employed during these years as 710,144 and 696,246 respectively. The minimum demand for labor within the year is therefore about one-third of the maximum.

It is evident at once that these percentages are not conclusive. The figures do not represent so many individuals. There are many duplications, the same people may appear

* See Appendix IX.

in several industries and those who are out of work at one trade may be employed at another. But as showing how unsteady is the demand for labor these statistics are most valuable. Altogether in the industries represented here, there were over a million positions. In no month were there on the average more than 905,000 of them occupied, while during most months the positions occupied were fewer. If there were a million workmen to meet the greatest demand of these industries, it would mean that about 380,000 of them would not be needed at some time of the year.

Fluctuations in the demand for labor within the year are also clearly indicated by the census records of idle establishments in New York State. Thus, in 1905, out of 37,194 establishments

117 were in operation.....	30 days or less.
416 were in operation.....	31 to 60 days.
628 were in operation.....	61 to 90 days.
613 were in operation.....	91 to 120 days.
826 were in operation.....	121 to 150 days.
735 were in operation.....	151 to 180 days.
1,334 were in operation.....	181 to 210 days.
934 were in operation.....	211 to 240 days.
1,448 were in operation.....	241 to 270 days.
14,305 were in operation.....	271 to 300 days.
14,766 were in operation.....	301 to 330 days.
719 were in operation.....	331 to 336 days.
333 establishments did not report.*	

Only 40 per cent. of these establishments worked the full year, while 19 per cent. lost a month or more and 8 per cent. were idle for half the year. The results of the Commission's inquiry among employers are similar. Out of 699 employers covering every form of industry, 220 or about 32 per cent. reported that their plants were closed down during part of the year, and 1909; † 7.6 per cent. lost more than a month.

Many establishments do not shut down when business is dull, but conduct their operations on part time. For instance, the Commission found that 166 out of 665 employers, or just about one-fourth, worked their plants on part time in 1909. One hundred and thirty-five of these or about one-fifth of the total, operated on part time for more than a month; about five per cent. of the establishments ran part time for more than half the year; over 10 per cent. lost three months or more. Tabulating the replies we find that

499 or 73.5 per cent. did not work part time.
31 or 4.6 per cent. worked part time one month or less.
63 or 9.4 per cent. worked part time from 1 to 3 months.
43 or 6.4 per cent. worked part time from 3 to 6 months.
17 or 2.5 per cent. worked part time from 6 to 9 months.
12 or 1.8 per cent. worked part time from 9 to 12 months.

To the question as to how many of the employers worked their plants full time 720 replies were received. Of these

10 or 1.3 per cent. worked full time for 1 month or less.
14 or 1.9 per cent. worked full time from 1 to 3 months.
32 or 4.4 per cent. worked full time from 3 to 6 months.
60 or 8.3 per cent. worked full time from 6 to 9 months.
68 or 9.4 per cent. worked full time from 9 to 11½ months.
536 or 74.4 per cent. worked full time for 12 months.

Here again we see that over 25 per cent.—184 out of 721 plants—lost time during the year. About 20 per cent. worked full time less than eleven months, 16 per cent. worked full time for nine months or less, and almost 8 per cent. worked full time for less than half the year. ‡

* Special Reports of Census Office, 1905, Manufacturers, Part I, pp. 542-3. Besides these there were 111 establishments idle the entire year.

† This is remarkable when we remember that mercantile establishments, railways and light, heat and power companies, which are necessarily always in operation, are included in these statistics. See Appendix IX.

‡ See Appendix IX, for detailed tables.

The foregoing figures justify us in concluding that every year from one-fourth to one-third of our wage-earners are thrown out of work for various periods. This is more than corroborated by the statistics of idleness among trade union members published by the New York Department of Labor.*

PERCENTAGE OF ORGANIZED WAGE-EARNERS (MALE) WITHIN CERTAIN LIMITS OF
EMPLOYMENT — MEAN 1901-1909.

Period.	First quarter.	Third quarter.
1 month (1-29 days).....	4.7	2.0
2 months (30-59 days).....	20.3	14.4
3 months (60-79 days).....	59.3	67.8
Over three months.....	15.7	15.8

During the first quarter of the year, taking the mean of the period from 1901 to 1909, out of 79 days, about 5 per cent. of the union workers were employed only from 1 to 29 days, and about 20 per cent. worked from 30 to 59 days; making a quarter of those working who lost a month or more out of the first three every year. During the third quarter of the year the percentage is less. Only 2 per cent. lost two months out of three, and 15 per cent. worked two months out of three. Averaging the experience during these years, it appears that fully one-fifth of the union members (21.9 per cent.) lose one-third or more of the possible working time, while 3.5 per cent. lost two-thirds of the working time.

Further, the reports of the Bureau of Labor Statistics show that in the organized trades of the State in the most prosperous years more than 10 per cent. of the possible working days are lost. Usually the time lost is nearer to 15 per cent., while in times of depression it goes above 30 per cent. Taking the experience of the last thirteen years as a basis, the bad years as well as the good years, it appears that the amount of time lost per member in any year was a little over 19 per cent. That is to say, if the unemployment had been distributed equally among all the members of the unions and over all the years, it would have meant that each member was out of work about ten weeks each year. Actually, however, only from one-third to one-half of the members suffered unemployment. The rest worked steadily. The amount of time lost by those out of work was, therefore, much more than ten weeks each year.

The unemployment figures of the United States Census and of the special investigation of the United States Bureau of Labor show substantially the same results.† In the former it appeared that about 25 per cent. of those gainfully employed in manufactures were out of work one month or more in 1900. These, however, included employers and officials as well as wage-earners. The wage-earners alone show a greater percentage. Of the 4,270 heads of families investigated by the United States Bureau of Labor in 1902 fully 35 per cent. were idle four weeks or more, and over 17 per cent. lost three months or more. The exact time lost was as follows:

UNEMPLOYMENT — 4,270 FAMILIES OF NEW YORK, 1902.

Duration.	Number.	Per cent. of total.
1- 4 weeks.....	825	19.3
5- 8 weeks.....	453	10.6
9-12 weeks.....	366	8.5
13-16 weeks.....	312	7.3
17-20 weeks.....	191	4.3
21-30 weeks.....	194	4.3
31-40 weeks.....	42	1.0
41-50 weeks.....	16	0.3

Fluctuations from Year to Year.—The demand for labor varies not only from month to month, but also from year to year. Although the population and the number of possible workers in the State increases every year, the demand for their work is by no means constantly on the increase. It goes up or down with the conditions of trade.

The factory inspectors in making their rounds note the number of employees in the factories they inspect. The figures for the last nine years follow. For purposes of comparison the figures for the city of New York are given separately.

* See Quarterly Bulletins of Bureau of Labor Statistics.

† *Supra*, p. 30.

NUMBER OF EMPLOYEES AT TIME OF INSPECTION.

YEAR.	New York State.	New York city.	PER CENT. INCREASE +. PER CENT. DECREASE —	
			State.	City.
1901.....	646,827	362,385	.....	.....
1902.....	774,790	391,940	+16.6	+7.6
1903.....	872,390	466,452	+11.2	+18.2
1904.....	874,349	507,003	+0.3	+8.0
1905.....	899,437	489,065	+2.8	—3.6
1906.....	1,064,610	584,564	+15.6	+16.4
1907.....	1,139,788	618,245	+8.8	+5.5
1908.....	1,010,914	546,093	—11.4	—11.7
1909.....	1,051,684	580,411	+3.9	+6.0

Normally we should expect the number of employees to increase every year as the population does. But here we have two years within a period of ten, in which there was an actual decrease in the number of those employed in the factories of the State. In 1905 the number of those at work in New York city shows a decrease of 18,000 from the preceding year. The same slackening up in business appears in the New York State figures when from 1903 to 1904 there is an increase of less than 1 per cent. in the number of employees in all the factories. In 1908 both City and State show a great decrease in the number of those at work. And it will be noted that in 1909, neither in the State nor in the city had the number of those employed reached the figures for 1907. Thus according to these reports, 128,874 employees in the factories of the State and 72,152 in the factories of New York city were thrown out of work in 1908. In 1909 the number employed was still 88,104 short in the State and 37,834 short in the City, of the number employed in 1907.

Since 1903 the factory inspectors have recorded the greatest number employed during the year, as well as the number of employees at the time of inspection.

NUMBER OF FACTORY EMPLOYEES — NEW YORK STATE.

YEAR.	Greatest.	At time of inspection.	Difference.
1903.....	999,722	872,390	127,332
1904.....	1,012,681	874,349	138,332
1905.....	1,023,943	899,437	124,506
1906.....	1,174,461	1,064,610	109,851
1907.....	1,254,313	1,139,788	114,525
1908.....	1,245,745	1,010,914	234,831
1909.....	1,189,590	1,051,684	137,806

The difference between the greatest number of employees at work at any one time during the year and the number employed at the time of inspection gives us some idea of the reserve of labor that is needed to meet the fluctuations in the demand for working people. This difference, the table shows, is in most years about 10 per cent. of the greatest number employed; but in two of these years, 1904 and 1908, it was far above 10 per cent. Here again we have the evidence of fluctuations in the demand for labor from year to year, and here again we see that many who had been working in 1907 were still out of work in 1909.*

About 200 employers in the State of New York have reported to us the greatest and the least number of wage-earners they employed at any one time during each of the ten years from 1900 to 1909. These reports, summed up in the next table, confirm the fact brought out by the factory inspectors' reports, that there is a fluctuation in the demand for labor from year to year. The number of workers increased from 1900 to 1903 and then fell. More were employed again during each of the three years following when there was another decrease; and though there was an increase in 1909 over 1908, the total number employed in 1909 was still below what it had been in 1907.

* A just criticism of the use of the factory inspectors' reports might be made on the ground that the times of inspection are not the same every year. In spite of this, however, the results show that the fluctuations in the amount of employment from year to year is truly given in these statistics. The fluctuations here correspond closely to the variations in the amount of employment among the trade unionists of the State, and to the returns we have received from the employers.

WAGE-EARNERS EMPLOYED BY ABOUT 200 EMPLOYERS IN THE STATE OF NEW YORK,
1900-1909.*

YEAR.	Greatest number.	Least number.	Difference.	Per cent.
1900.....	130,643	109,671	20,972	16.0
1901.....	148,217	120,537	27,680	18.6
1902.....	164,007	134,322	29,685	18.1
1903.....	176,927	152,067	24,860	14.0
1904.....	171,523	147,988	23,535	13.7
1905.....	188,208	157,685	30,528	16.2
1906.....	197,645	164,717	32,928	16.6
1907.....	208,188	177,961	30,227	14.5
1908.....	189,869	159,582	30,287	15.9
1909.....	195,878	162,365	33,513	17.1

These figures include employees in mercantile establishments, building and construction work, railroads, light, heat and power companies as well as manufacturing establishments, indicating that the yearly fluctuation is characteristic of the entire industrial world.

Finally, the trade union percentages of unemployment exhibit the same tendency. In the following table the seasonal fluctuations have been eliminated, and we can see that the amount of employment varies from year to year just as it does from month to month. Busy years are succeeded by a slack period with a great amount of idleness, which in turn is succeeded by another busy period, then slack again, and so on. Thus in 1897, the percentage of unemployment was still high as a result of the panic of 1893. Then came four years of improved conditions with the percentage reduced about half. Then came two extremely prosperous years, followed by a slight depression in 1904. Then great prosperity again; then the depression of 1907-1908; and now business activity is again resumed and unemployment has decreased.

PERCENTAGE OF UNEMPLOYED WAGE-EARNERS IN REPRESENTATIVE TRADE UNIONS OF
NEW YORK, 1897-1909.

YEAR.	PER CENT. IDLE.			Per cent. of 154 days lost.
	End of March.	End of September.	Mean for the year.	
1897.....	30.6	13.8	.....	31.2
1898.....	21.0	13.1	.....	23.9
1899.....	18.3	4.7	.....	18.6
1900.....	20.0	13.3	.....	20.7
1901.....	18.5	6.9	.....	17.7
1902.....	13.6	5.7	14.8	13.7
1903.....	12.1	9.0	17.5	14.1
1904.....	27.2	9.7	16.9	20.1
1905.....	15.1	4.9	11.2	14.3
1906.....	9.9	5.7	9.3	11.4
1907.....	19.1	10.5	16.2	16.7
1908.....	35.7	22.5	29.7	32.4
1909.....	21.1	10.3	18.5	19.0

3. SUMMARY.

Although the demand for labor fluctuates from year to year, from month to month and from day to day, there is never a time when all who want work can find employment. Studies among a hundred thousand trade unionists in the State show that seldom are there less than 5 per cent. of the members unemployed, while usually about 10 per cent. are idle, and during the year the number who suffer some unemployment is from one-third to one-half the total. The statistics of manufactures show that about 10 per cent. of the wage-earners employed are kept as a reserve to meet the fluctuating monthly demands, and that fully one-third of the workers who are employed at the busiest times have to change places and lose time between jobs. Investigations of over four thousand wage-earners'

* One of these employers was a railroad company which reported all its employees in and outside the State.

families in the State show that less than half of the bread-winners have steady work during the year. Census figures for New York State show that some manufacturing establishments are closed down for the entire twelve months, and only 68 per cent. are in operation the whole year through. The Commission's special inquiry brings the conclusion that one-fifth of the manufacturing establishments in the State close down, and another one-fifth operate on part time, for a month or more every year.

Employment agencies, private and philanthropic, report that at all times there are more applicants for work than there are positions open and that they can place only about one out of four of those who register. Lodging houses show a constant number in distress from lack of work, and of those who appeal to charitable societies every year, at least 25 per cent. have been brought to that condition through unemployment due to no fault of their own.

On these facts we base our statement that at all times of the year in every industrial center of the State able-bodied men are forced to remain idle though willing to work. On any given day during the year, at least 3 per cent. of our wage earners are involuntarily idle. Usually there are 10 per cent. These idle men must always be on hand to meet the fluctuating demands of the industries of the State.

Summarizing the data at our command, we should say that in ordinary years of business prosperity, taking all industries into consideration, out of every 100 persons, 60 will be steadily employed; 40 will be working irregularly. Of those who have irregular employment 3 will always be out of work. The percentages vary with the different industries, but the experience is characteristic of every industry.

III. CAUSES OF UNEMPLOYMENT.

Distress among the working classes is almost always due to some form of unemployment. The idleness may be due first, to disability, as in the case of sickness, old age, industrial accident or disease. Secondly, it may be due to personal failing of the unemployed for which the individual might be held responsible, such as intemperance, vagrancy or general disinclination to work; or it may be due to personal deficiency for which the individual ought not to be held responsible, such as lack of education and training, which parents were unable or unwilling to afford, and which the community did not compel.* Thirdly, the unemployment may be due to the conditions of industry, to its organization or lack of organization, to its methods of hiring and discharging men, to the rise and fall of competing employers, seasonable fluctuations, industrial depressions, the invention of machinery, etc.

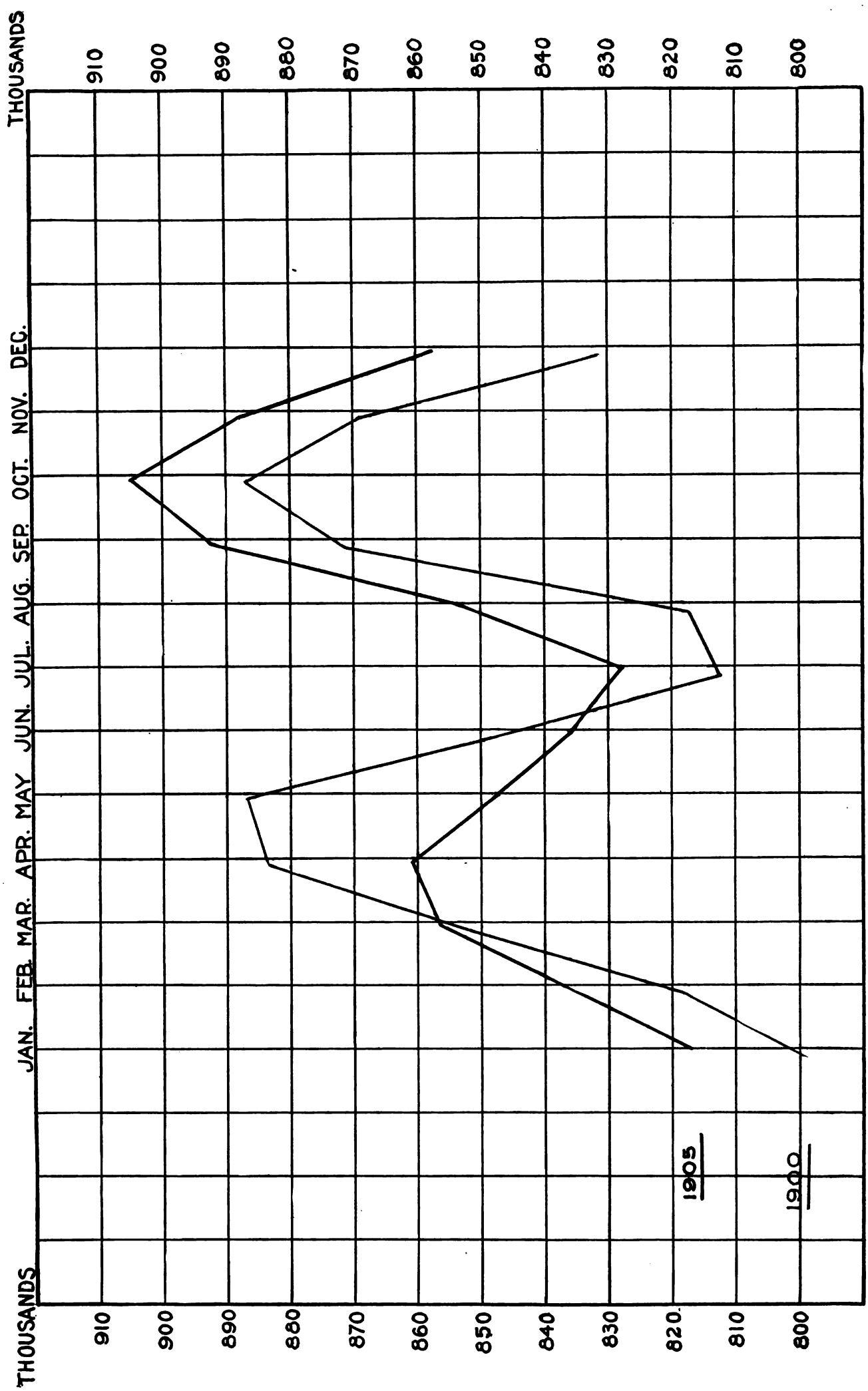
To a state which desires to conserve and to develop its human as well as its natural resources, all these forms of unemployment must be matters of grave concern. It is generally recognized that large numbers of people are constantly thrown out of work by sickness, old age, industrial accidents, and through some form of personal deficiency. Distress from these causes has been made the subject of study, and measures for prevention and relief are being discussed and framed into laws. But that there are large numbers of able-bodied people willing to work and unable to secure positions, is not generally appreciated. That there are forces constantly at work, even in the most prosperous years, penetrating the entire industrial organization, displacing workers from their positions, taking away their trades or their skill, and leaving them with insufficient earnings or none at all — that is not generally known. We propose, therefore, to inquire into these industrial forces.

If modern industry does not require as many workers in January as it does in October, or in 1909 and 1908 as it did in 1907, obviously, the inquiry into causes must be directed to the reasons for the variations in the demand. We do not underestimate the personal element in the problem. Improved efficiency would secure more work for many who now suffer unemployment; but these would displace others who are now employed. If all were equally efficient, still our industries would need more workers at some times than others. If we want to know the basic causes of unemployment, we must know what prevents employers from affording steady work to their employees.

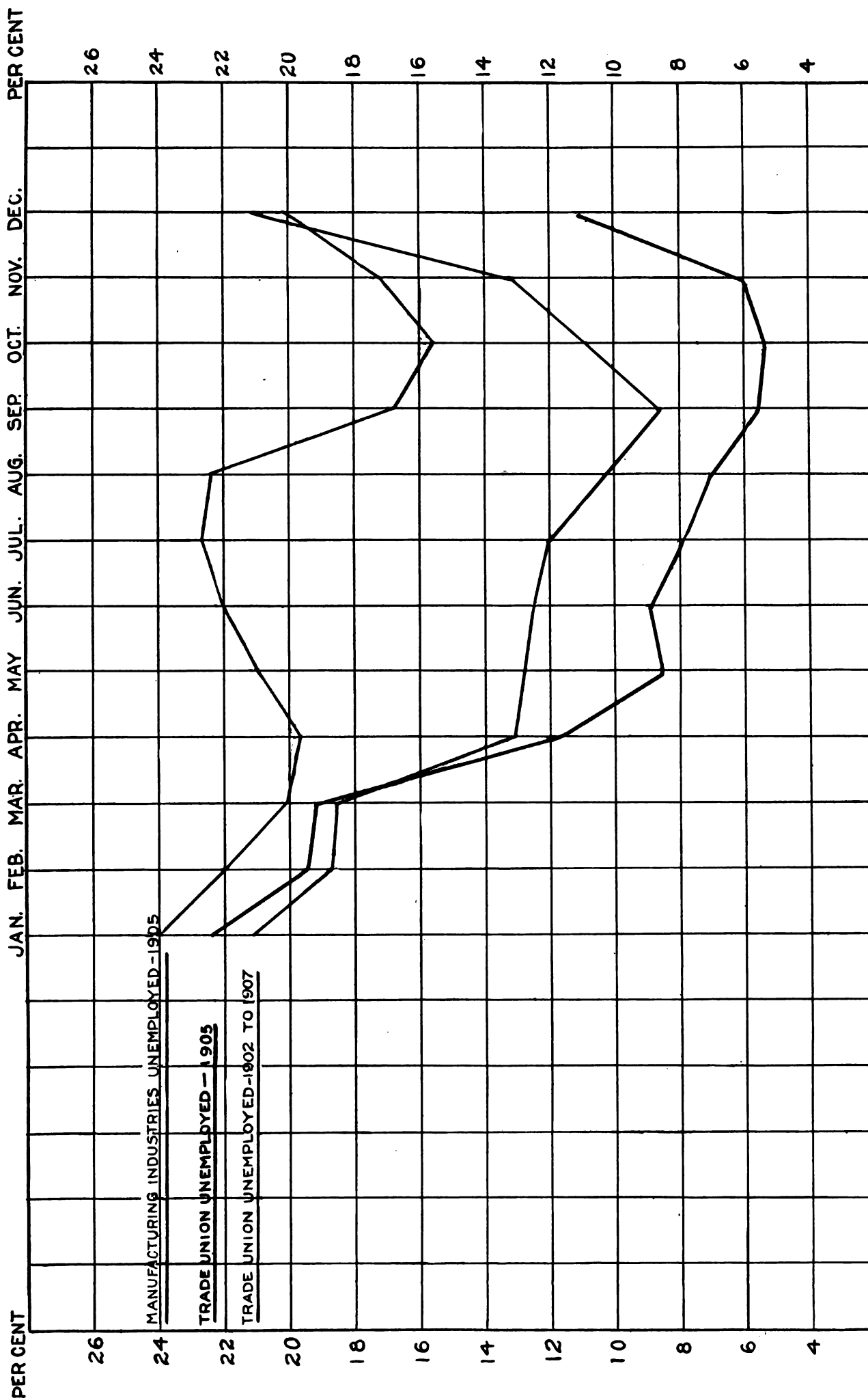
The industrial and social causes of unemployment group themselves into three classes: (1) seasonal, (2) cyclical, (3) irregular. In the first is included the regular recurrence of busy and slack season due to weather, to fashions and to social customs. Under the second head come the economic crises which mark the culmination of years of business

* In this class must be included the cases of unemployment due to the inability of the workman to hold his position because his working strength has been exhausted prematurely as a child worker, or because low wages have kept him underfed and living and working amid conditions that were undermining his vitality.

CHART II
 SEASONAL FLUCTUATIONS—AVERAGE NUMBER OF EMPLOYEES ENGAGED IN MANUFACTURES, BY MONTHS, 1900 AND 1905
 (U. S. Census of Manufactures)



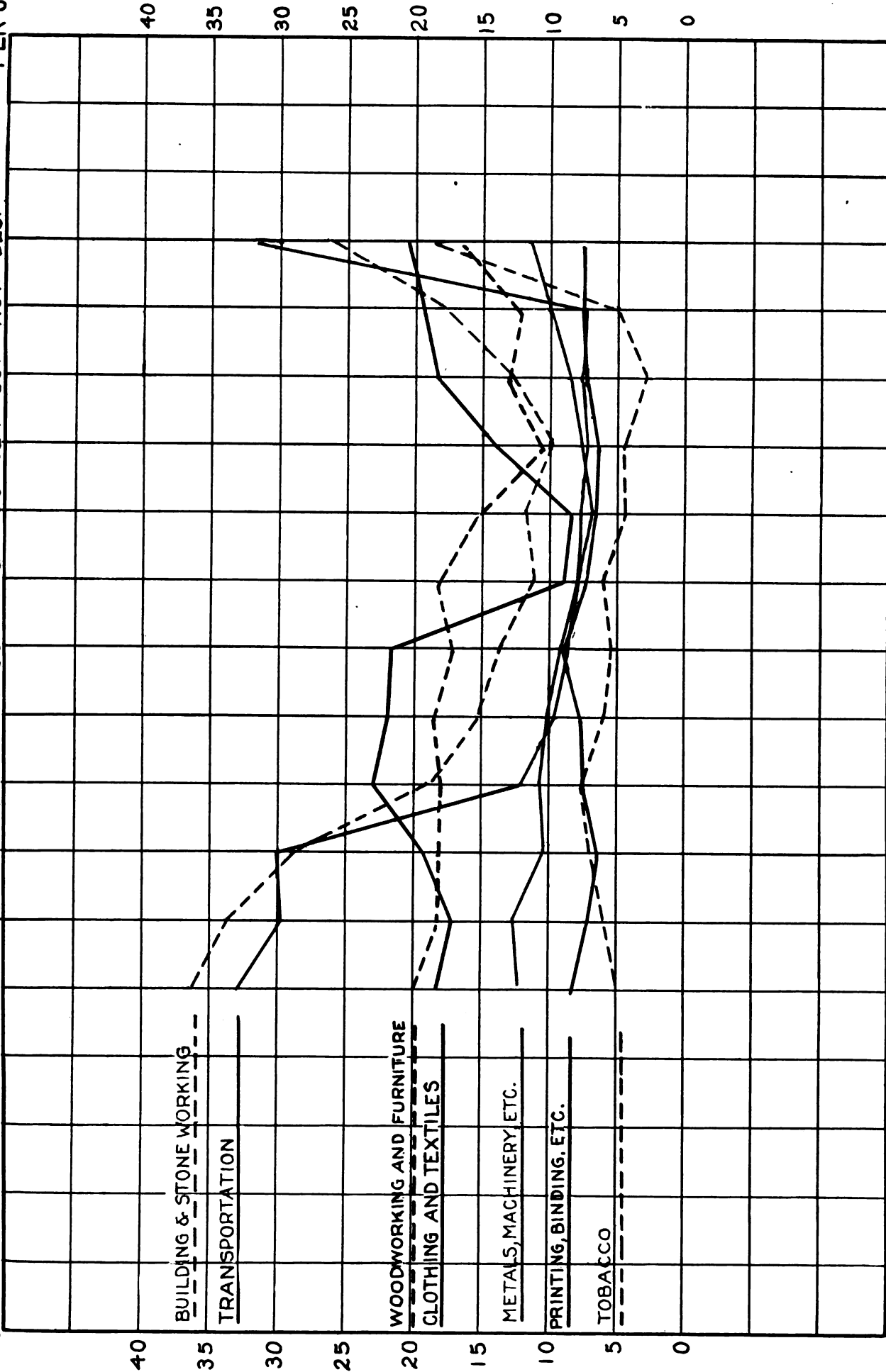
SEASONAL FLUCTUATIONS—PERCENTAGE OF UNEMPLOYED TRADE UNIONISTS COMPARED WITH PERCENTAGE OF EMPLOYEES
IN MANUFACTURES UNEMPLOYED EACH MONTH



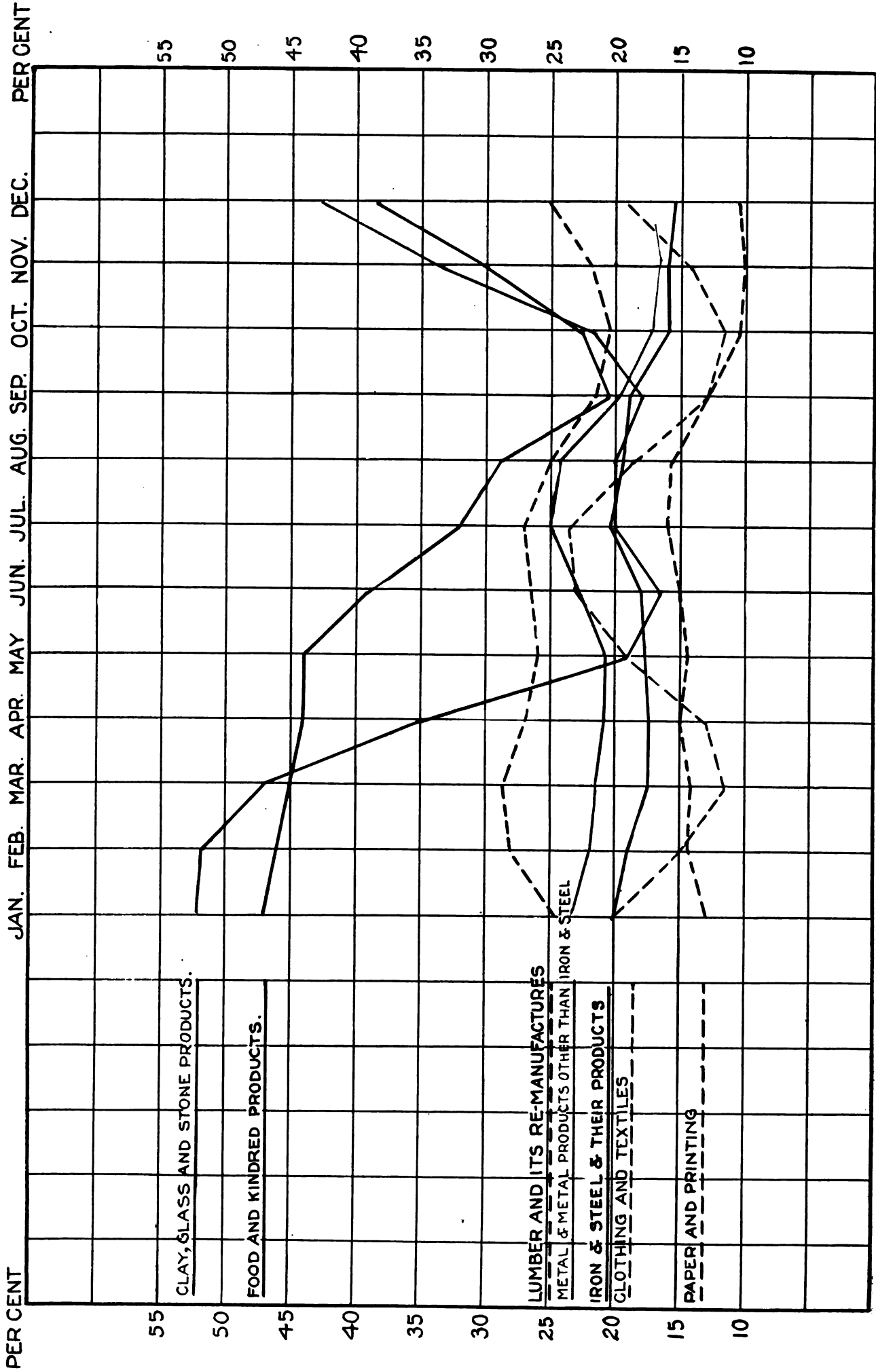
PER CENT

JAN. FEB. MAR. APR. MAY. JUN. JUL. AUG. SEP. OCT. NOV. DEC.

PER CENT



SEASONAL FLUCTUATIONS—PERCENTAGE OF EMPLOYEES IN MANUFACTURING INDUSTRIES UNEMPLOYED EACH MONTH BY TRADES, 1903
(U. S. Census of Manufactures)



prosperity and the beginning of periods of depression. The third group includes all those causes of unemployment which recur in no regular order but are ever present, bound up with the methods and progress of modern industry. Thus some inventions affecting machinery are made every year, new processes are discovered, businesses are reorganized, business methods are changed, many firms are bound to fail and go out of business, and in some industries men are hired for a shorter period than a day, causing them to be idle a greater part of the time.

I. SEASONAL TRADES.

The most familiar of the causes of unemployment is the seasonal nature of many of our trades. If we plot the number of wage-earners employed in the manufacturing industries of the State from month to month, we get a line of fluctuations that shows clearly the seasonal demand. (Chart II.) It is evident that the spring and fall months are the busy seasons, when the greatest number of workmen are employed. There is a slackening up in the summer and the dullest times come with the winter.

The same seasonal fluctuations are shown by the reports of unemployment among trade unionists of this State. The purple line in Chart III shows the percentage unemployed each month when the average of all the years from 1902 to 1907 has been taken in order to eliminate any accidental causes that may have appeared during any one year. Comparing this curve with the percentages of unemployment as shown in the number of employees engaged in manufactures we see how closely the fluctuations in the amount of unemployment among trade unionists corresponds to the changes in the number of wage-earners employed from month to month. They show the same seasonal variation. The only difference is that the summer months show a greater amount of unemployment among the employees in manufactures as a whole than among the trade unionists. The reason for this is that the building trades, which are busiest in the summer months are the most heavily represented in the union percentages, while the textile trades which are slackest in the summer months are the most heavily represented in the other figures.

In the individual trades the seasonal fluctuations vary greatly with respect to the time when the busy and the slack seasons appear, their duration, and the "range of employment," i. e., the difference between the number employed during the busiest and the dullest months. If we split up the curves in the preceding charts into their component parts, we get the seasonal fluctuations of the various industries shown in Charts IV and V.

The fluctuations due to weather conditions appear in building and stone working. The cold weather prevents building, although of late years building operations are being carried farther and farther into the winter months. Fully one-third of the workers in these trades are thrown out during the slack periods, and in individual occupations over half are thus made idle. The bricklayers and the plasterers lose the most time. Transportation shows a seasonal fluctuation similar to the building industry because the workers here represented are engaged mainly in water transportation. The sharp rise and fall in the number of unemployed transport workers is due to the closing and opening of the navigation season. The number of these unemployed during the winter is as high as that in the building trades, but their work is much more steady during the navigation season. Building workers, because they may have to work for several employers during any one season, lose much time between jobs even during the busiest months.

Seasonal work which is determined by fashions as well as by the weather appear in the curve of the clothing and textile trades. The two seasons so familiar in the trade are well illustrated in both charts.* The number of employees in the clothing and textile industry as given in the statistics of manufactures for 1905 increased from January to April, showing a busy season with a declining percentage of unemployment. Then came several slack months, followed by a short busy season and then slack work again.

The amount of time lost in one of the most important of the clothing trades, that of shirtwaists and dresses, is given by Dr. Woods Hutchinson, who made a study of the trade during the great strike in 1910.†

"The following is the average, from the statement of a dozen or more manufacturers; full and rush work from January to June, five months; moderate from mid-August to January, four and a half months; slack or little work in June, July and early August, two and a half months. A similar extract from the employees' statements is good work, four months, half work, seven months; no work at all, or very low wages, two months. Add them together and divide by two and you get good work for four months, moderate for six and very little for two months out of every year."

* The trade-union figures are evidently defective, since the months from March to June, and from September to December are not all dull months as the curve seems to show. The discrepancy may be due to the fact that the returns are taken for the last day of each month only. However, that may be, the fact of two busy and two slack seasons in these trades is well established.

† Survey Jan. 22, 1910.

The variation in the metal and machinery trades is but 5 per cent. within the year according to the trade union figures, and the manufacturing statistics as well. This industry is much more affected by the world trade movements, by years of prosperity and dullness rather than by busy and slack seasons. Printing and binding seem to show no seasonal variations whatever. In the binding of magazines, however, the girls work two weeks on and two weeks off, so that their seasons appear within each month.

There are few industries in which the demand for products is steady throughout the year. The weather or custom or habit makes people want their things at certain times of the year and not at others. Employers in all the important trades write to us that this is the reason for the fluctuation in the number of their employees within the year. Here are a few of their statements:—

TANNING.

"In our line of business, we have what is called a season. During the months of February, March, April, and May, the demand for dressed skins is at its greatest. Consequently, we are obliged to employ enough men to turn out the work on time. After May, business slackens up and a large number of the men seek employment at other lines of business. These are the reasons for the fluctuation in the number of our employees."

NEWSPAPER PUBLISHING.

"Fluctuation in advertising, which changes the size of the paper $\frac{1}{2}$; that is in July & August the size is $\frac{1}{2}$ smaller than in such busy months as Mch, April & May or Oct. Nov. & December."

TRANSPORTATION.

"During the summer months, traffic is a great deal heavier, necessitating more cars in service, which, of course, means more men to operate them. In the Track Dept., summer months is when all construction work is being done, which accounts for the greater part of the increase in the number of employees. In the Equipment Dept., the increase is due to the fact that more men are needed to keep the large number of cars in proper condition and to repair the snow equipment for the winter season."

TELEPHONES.

"In general, there is no fluctuation, but a gradual increase in number, due to the growth of business. The principal exceptions are (1) that more employees are required to install telephones and to remove them from one address to another in the Spring and Fall than at other seasons; (2) that more employees are engaged upon new construction work during the Summer than at other seasons. The number of employees thus affected, however, is relatively small."

QUARRIES.

"As the Crushed Stone produced at this plant is all shipped by water, under favorable conditions, the plant is operated for about 9 months each year. During the other 3 months and when the river is closed to navigation, necessary repairs are being made.

" 'Idle time' is often caused by stormy weather when the quarrying of stone is neither safe nor advisable; it is also caused at times by necessary repairs being made.

"January there is no work for them.

February " " " " " "

March we cannot work all that apply as we do not manufacture until May.

April the same.

May can use about all that apply except some of the most common.

Same in June and July.

August, September and October they are looking for a winter job."

HARVESTING MACHINERY.

"This business has to depend on the Harvests. We make up an estimate and build to this. The months of July, August, & September are the slack months as we have completed our build for the current year by July 1st. The following few months we are getting in material to commence on the following year's business."

FERTILIZERS.

" March, April, August and September are the months in which we ship a large proportion of our output so that we require more labor during those months."

SHOE MANUFACTURING.

" Our output, principally ' warm ' shoes for fall shipment requires starting of manufacturing in January of each year, gradually working up, increasing, as orders come in, until about May 1st, then continuing at full capacity to Nov. 1st. Slackening until Dec. 1st or 15th, when practically all deliveries for that season close."

" There are more employed in the winter than in the summer as the low shoe trade is larger than the boot."

LUMBER AND ITS PRODUCTS.

" Sawmill is run only during the spring months when water is high."

" Our logging is principally prosecuted from Aug 1 to Mch 1, and the log drive from April 1 to June 1.

" The Mill only runs about 7 months in the year. During five months the Mill is shut down but we ship the year round.

" Owing to the snow and ice freezing in our logs, it is not possible for us to run our Mill the year round. If we could do it, it would be better for the employer and employee. In the winter however men can get plenty of employment in the logging camps."

FURNITURE.

" Main reasons are the periodical buying of the retail furniture dealers. Practically no buying being done in December, June, July and first part of August."

VEHICLES.

" Our carriage, wagon and automobile repairing, painting and trimming requires more men in the spring than any other time of the year. Our harness factory is under the same season. Customers want the majority of their new wagons and harness, also want their repairing done in the spring of the year. Possibly the seasons being so pronounced might tend to make some difference."

CIGARS.

" Our desire to carry as small stock of cigars as possible. Cigars do not ' ship ' well when dry—Consequently when orders fall off appreciably we curtail production."

CANNING.

" Nature of the canning business. We employ from 100 to over 200 during the canning season, then drop down to 5 or 6 the rest of the year, employing only what is necessary to make shipments and repairs.

" Our season is so short that outside of some who may be connected with plants that do little in the summer time (like cold storage, foundries, &c.) we cannot secure the class of help that are willing to work the year round."

" We manufacture conserves and it is necessary for us to have a larger number of employees during the fruit season — also during the tomato season for we make tomato catsup and the tomatoes must be worked as they ripen."

" During some of the summer months we store our milk and hence we do not need as many employees, as if we were filling and canning our milk. During the months of June and July of this year we reduced our staff considerably owing to the fact that we installed six more storage tanks."

DEPARTMENT STORES.

" The main reasons for the fluctuations in the number of our employees are that the retail business is much heavier during the winter than the summer months and there is always a lull immediately after the Christmas holidays. Least business being done during the months of January, and February than during the

months of March, April, May and June, while during the summer months of July and August business is very slack."

The fact that goods sell at a certain season of the year need not always mean work concentrated into short busy seasons with little work thereafter. Formerly it was the custom for buyers to place their orders for goods a long time before the selling season. Manufacturers, too, made up stock expecting to get orders for the goods when the season came around. This kept workers employed for a greater part of the year. The custom has become more and more prevalent, however, for buyers to place their orders just before the selling season and to expect quick delivery. This concentrates the work for the employees into a comparatively short busy season with overtime and overwork, followed by a long slack season with little or hardly any work.

As early as 1895 this tendency was pointed out by the Massachusetts Board to Investigate the Subject of the Unemployed:*

"In the old days a manufacturer would often employ his hands during the dull season in making up goods for which he expected to receive orders during the busy months; now the tendency is more and more to do an 'order' business,—to wait until an order is received, then to employ all the hands who can be utilized, 'rush' the order through, and then discharge the hands. During the busy season orders may be practically continuous, but the effect of this custom is to lengthen the dull season and to keep in the trade a number of workers who can hope for employment only at times of great activity, and who, between these intervals, must find some other occupation, or drop into the ranks of the unemployed."

The United States Census of 1900 in explaining the decrease in the amount of capital invested in the clothing industry stated that it was due to the fact that "Formerly the manufacturers carried large stocks of clothing and materials on hand; now the goods are made up as fast as the orders come in, and only small quantities are kept in stock." And the tendency is still growing to-day according to the testimony of many business men. One employer writes to us:

"Our business . . . had formerly two buying periods from end Feb. to beginning of May, inclu. and from Aug. 15th to Nov. 15th inclu. Since the last 3 or 4 years the trade to whom we cater has discontinued carrying stock, due to high store rents in Large Cities & sold from catalogues, hence great loss of business, because if people do not see the goods they will not ask for them.

"The Department stores buy but once a year, and then in large quantities at short notice, from all and every competitor thereby making each competitor fight one another killing the margin of profit, to enable them and us to carry all our hands over the dull period"

The number of workmen affected by seasonal fluctuations is on the average about 10 per cent. The amount of time lost varies so much as to make any estimate impossible. It will be noted that the slack seasons in all industries do not come at the same time, and that the fluctuations in the various industries as plotted in Charts IV and V, show that workers might pass from one occupation which is slack to another which is busy about the same time. Much of this dovetailing of trades is undoubtedly done, but the lack of information as to where and what trades are busy when others are slack, and the lack of organization in bringing together the workers idle because of dull seasons with employers who might use them, cause many wage-earners to be unemployed who might be working if they could only connect with places that are vacant.†

2. CYCLICAL MOVEMENTS.

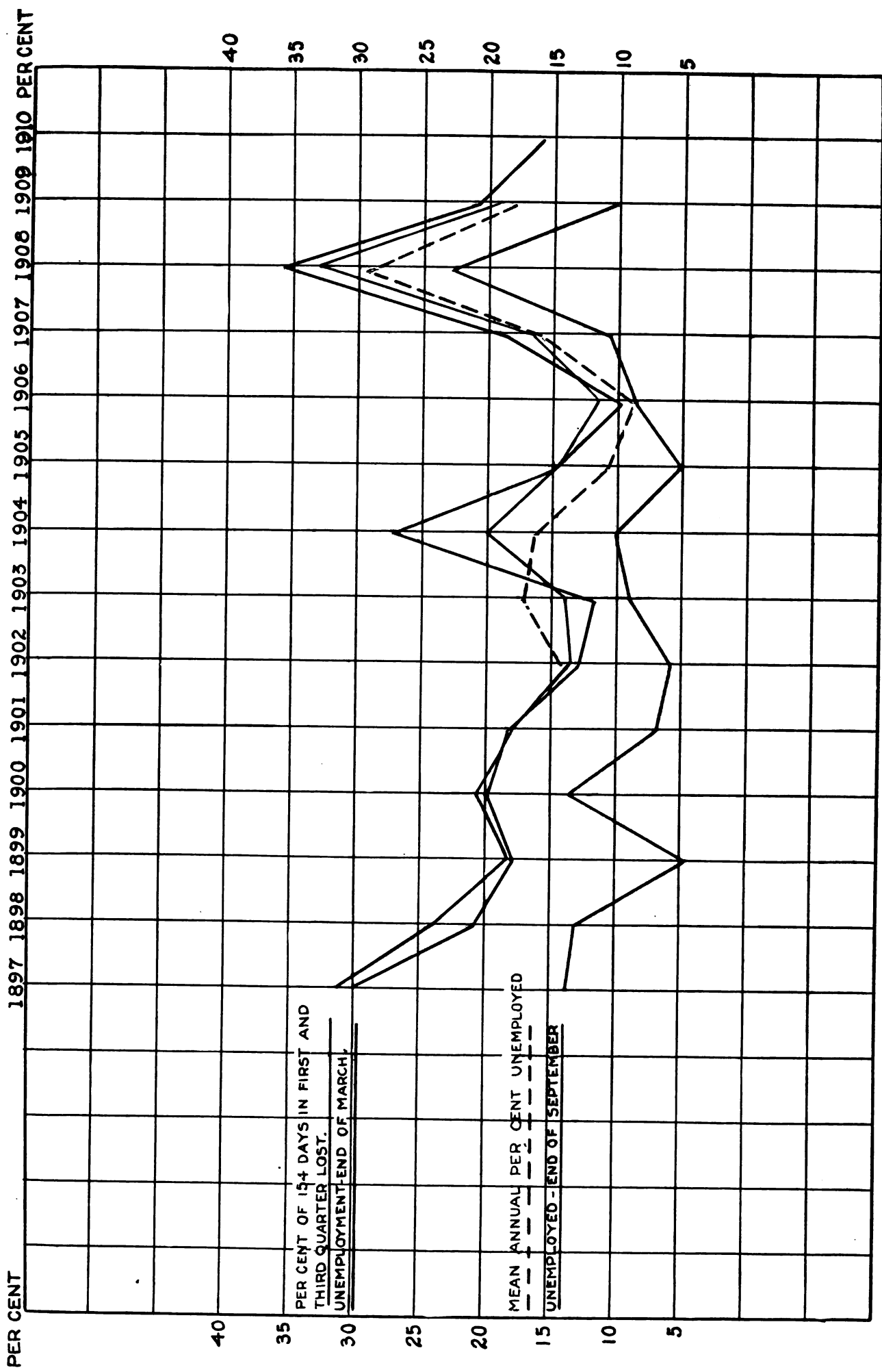
We saw above that the amount of employment varies not only within the year, but also from year to year. If we look further into these variations over a period of years, we shall see that the percentages of unemployment rise and fall with a regular movement. If we plot the statistics of fluctuations from year to year (p. 36, *supra*) it becomes evident

* Report of Massachusetts Board to Investigate the Subject of the Unemployed — Part IV, Causes, p. VII, House Document No. 50, 1895.

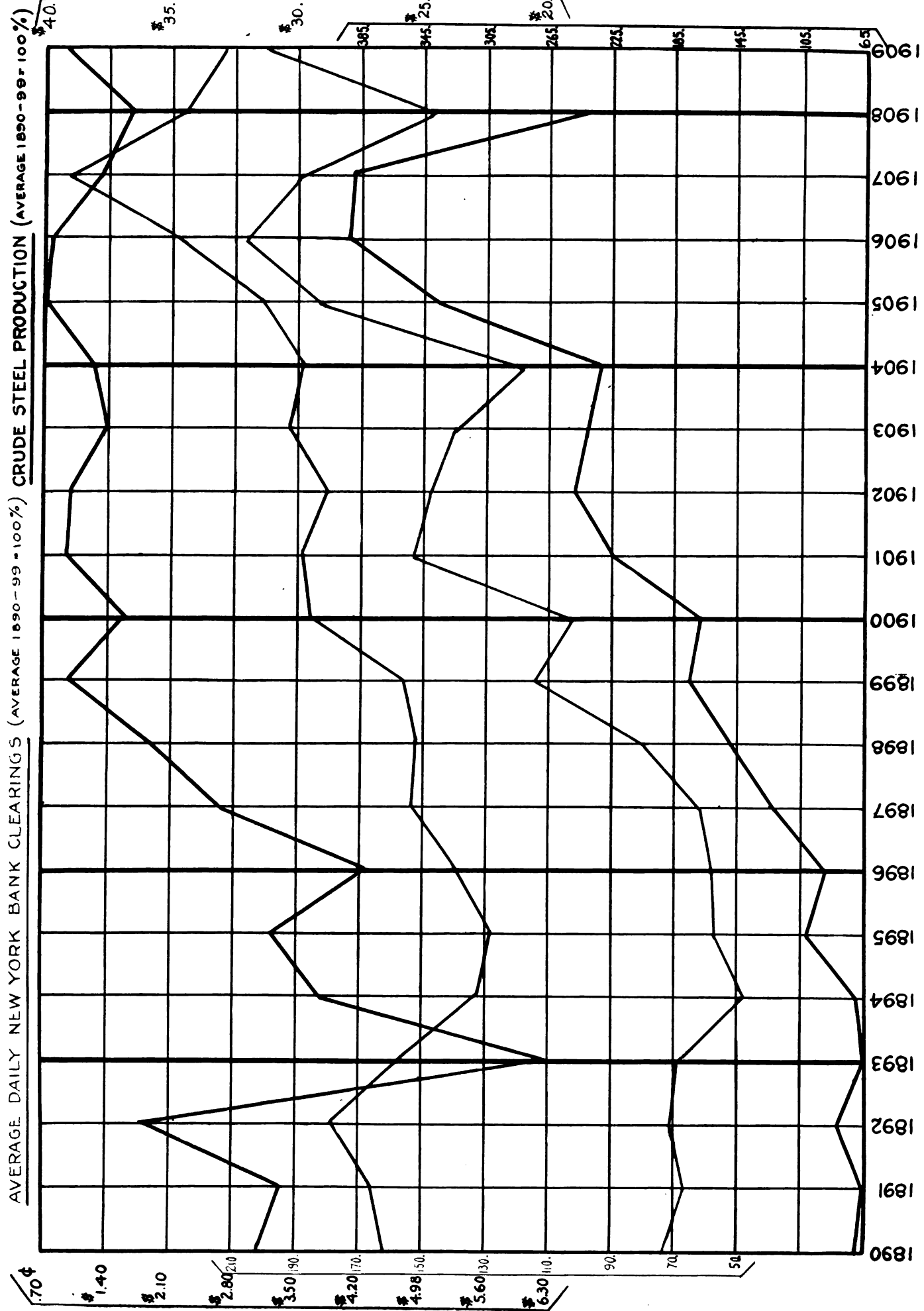
† Much might also be done by employers to reduce the time lost between jobs if they would devise schemes to keep their plant working full time with full force during the entire year. Some employers have attempted to do this and have increased their profits, as well as the earnings of their employees. Some lumber companies, for example, employ their men in saw mills when the logging season is gone. The slack season in the manufacture of screens is filled out by some employers in making weather strips and doing mill work.

CYCLICAL FLUCTUATIONS—PERCENTAGE OF TRADE UNION MEMBERS UNEMPLOYED ON THE LAST DAY OF MARCH, THE LAST DAY OF SEPTEMBER,
 AND THE TIME LOST IN THE FIRST AND THIRD QUARTER OF EACH YEAR, 1897 TO 1910, AND MEAN ANNUAL PER CENT UNEMPLOYED

TABLE VI



DEFAULTED LIABILITIES PER 1,000 OF BANK EXCHANGES (INVERTED) EXPORTS PLUS IMPORTS, PER CAPITA.



that the amount of employment moves in cycles of about four or five years. In Chart VI we see that in the first period for which we have statistics the percentage is descending from the high mark which was reached probably in 1896. Then there is a regular rise and fall, the greatest amounts of unemployment recurring in 1900, 1904 and 1908. During 1908 the number of unemployed reached a point almost twice as high as that of the high marks of the other years. We know that 1892 was a year of great depression in industry although we have no statistics of unemployment for that year. Thus it appears that we have two cyclical movements. The amount of idleness rises and falls and reaches very high proportions approximately every fifteen years; and within the greater waves there are smaller fluctuations with dull years recurring every four or five years. It is noted that all sources of information show the same movement. The trade union statistics of unemployment, the factory inspectors' reports, the number of wage-earners employed from year to year all follow parallel lines.

In these cyclical fluctuations of employment we see merely the familiar phenomenon — business prosperity followed by depression — showing itself in the labor market. The Financial Graphic, which furnishes statistics for the guidance of bankers in placing their investments, thus describes these movements:

“Starting with a period of depression, this is followed by a period of initiation and activity developing a feeling of confidence coincidently with what is called good business. This finally reaches its maximum and is followed by declining markets ultimately resulting in a period of readjustment and sometimes panic with subsequent dullness and depression. The Financial Business Cycle may be said to start at the point where the banks are in the strongest positions, that is to say, where the ratio or percentage of loans to deposits is the lowest. With recurring business prosperity, and its attendant increase in volume, the conditions of the banks gradually grow weaker with its consequent effect on inter-related business and financial activities.”

Dun's Review publishes every year the amount of “Defaulted Liabilities per \$1,000 of Bank Exchanges,” as the best index of “Commercial mortality.” In Chart VII this and several other indexes of business activity are plotted. Here we see the same cyclical movements, the same regular recurrence of prosperity and depression, dull years followed by busy years. Comparing this chart with the unemployment chart (VI) we find that the unemployment curve follows closely the curves of business activity. It is obvious then that the volume of trade causes a greater or a less number of wage-earners to be out of work from year to year.

What the causes of these cyclical movements in trade and employment are we can not undertake to say; no satisfactory theory has yet been advanced. However, we must not go on ignoring a fact of such vital importance. It is sufficient for us to know that there is a world wide movement of trade which affects the industries of our state causing a great amount of work during some years and a great amount of idleness during others.

Here we have a cause of unemployment for which the individual can in no sense be held responsible, and against which he can not provide. A person unemployed for a slack season might fall into debt and pull out again when the busy time returns; but the person who is without work during a dull year has too long to wait for busy times to return. He walks the streets in search of work, hopeful at first, but more and more discouraged. Odd jobs he picks up, bring him an uncertain and very insufficient income. His whole life becomes unsteady. From undernourishment and constant anxiety his powers — mental, moral, and physical — degenerate. Soon he is unfit to work. His family is demoralized. Pauperism and vagrancy are immediate results.

What are the eighty odd thousand factory employees of the State who were employed in 1907 and were not employed in 1908 and 1909 doing now? Vagrants and tramps, according to the testimony of those who have been dealing with these, are, many of them, just such workingmen as were dislodged from industry by the depression of 1907 and never could regain their footing.

The meaning of cyclical depressions has never been better stated than by the Director of the British Labor Exchanges, Mr. W. H. Beveridge in his book on Unemployment.*

“Cyclical fluctuation means discontinuity in the growth of the demand for labour. The total supply of labour, that is to say, the population grows on the whole steadily, or at least with little variation from year to year. The demand for labour grows unsteadily. At times, therefore, labour has been scarce; wages

* Unemployment, A problem of Industry, p. 65-6.

have risen rapidly and employment become brisk. At other times labour has been in excess; wages have fallen or remained stationary, and unemployment has been rife. At these latter times the sphere of industry may be said to have lost its elasticity, yet always to recover it again in a few years. Till that recovery there results a pressure felt in every quarter of the world.

"The causes of this fluctuation are obscure, but, beyond question, deeply seated. They are at work in all industrial countries. They must spring from one or more of the fundamental facts of modern life. They probably cannot be eliminated without an entire reconstruction of the industrial order. They certainly will not be eliminated within the few decades. Within the range of practical politics no cure for industrial fluctuation can be hoped for; the aim must be palliation. * * * The need for some measures is undoubted. Cyclical fluctuation of trade may have economic justification. Its course is strewn with individual disasters."

3. IRREGULAR CHANGES IN DEMAND.

We come now to the discussion of those irregular variations in the demand for labor which are caused by the introduction of new machinery and new processes of manufacture, by the failure of individual employers, by the reorganization of businesses and by the introduction of new economies in methods, by decaying trades, changes in the location of industries, in the methods of hiring men, and so on. These follow no regular movement in their appearance but are constant causes of unemployment, inseparable from the existence and progress of industry. As long as our industries continue to develop we must expect that men will be thrown out of work every year for one or more of these reasons.

Machinery and New Processes.—That the invention of machinery, the improvement of old machinery and the discovery of new processes of manufacture are causing men to be displaced from industry at every step is so commonplace, that it is likely to be overlooked. Ordinarily we should expect the number of wage-earners employed in our industries to increase with the growth of the population. Yet in the five years between the manufacturing censuses of 1900 and 1905 out of 61 leading industries in the State of New York, in nine suffered actual decreases in the number of their employees which might be traced to the introduction of machinery. The decreases in the number of wage-earners are accompanied by an increase in the value of machinery, tools and implements employed.

COMPARISON OF MACHINERY AND NUMBER OF WAGE-EARNERS EMPLOYED IN NINE INDUSTRIES IN NEW YORK STATE.*

INDUSTRY.	Year.	Average number of wage-earners.	Machinery, tools, and implements.
Furnishing goods, men's.....	1905 1900	16,626 21,608	\$1,671,755 1,432,656
Gloves and mittens, leather.....	1905 1900	5,613 9,907	411,396 350,687
Leather, tanned, curried and finished.....	1905 1900	5,444 6,530	4,080,233 2,204,338
Lithographing.....	1905 1900	6,163 6,335	5,629,003 5,516,626
Newspapers and periodicals.....	1905 1900	16,214 16,460	16,167,952 15,564,120
Shirts.....	1905 1900	10,816 13,158	838,299 810,260
Cotton goods.....	1905 1900	8,800 9,250	6,959,282 5,341,881
Wool hats.....	1905 1900	644 930	142,453 130,095
Worsted goods.....	1905 1900	3,708 3,726	3,180,782 1,868,341

In some industries the contrast is striking. For instance the manufacture of men's furnishing goods, in which New York ranks first among the states, the value of machinery

* Bureau of the Census, Bulletin 59. Manufactures, New York, 1905. Table 2.

used increased almost 17 per cent., while the number of wage-earners decreased 23 per cent. In the leather gloves and mittens industry the value of machinery increased over 17 per cent., while the number of employees decreased 43 per cent. In the manufacture of tanned, curried and finished leather, there was a decrease of 16 per cent. in the number of wage-earners while the value of machinery employed almost doubled. The newspaper and the periodical branch of the printing and publishing industry increased the value of its machinery about 4 per cent. and the value of products 36.2 per cent., but the wage-earners decreased 1.5 per cent. Similarly in the allied industry of lithographing and engraving, in which New York is the leading state, an increase of 2 per cent. in the value of machinery was accompanied by a decrease of 2.7 per cent. in the wage-earners employed. Worsteds almost doubled its machinery while the number of wage-earners remained about stationary; and cotton goods showed an increase of 30 per cent. in the value of capital employed accompanied by a decrease of about 5 per cent. in the number of wage-earners.

A smaller working force often goes hand in hand with expansion of industry. Comparing the census figures of 1900 with that in 1890, we find that ten of the leading industries in this State showed an increased amount of capital invested accompanied by a decreased number of workers. In the men's clothing industry, for example, capital increased from \$46,000,000 to \$51,000,000 or 11 per cent., the value of products increased from \$96,000,000 to \$126,000,000 or 30 per cent., while during the same decade the wage-earners employed fell from 54,110 to 41,300, over 13 per cent. Shirts, worsteds, carpets, slaughtering and cheese, butter and condensed milk show similar changes.

Changes in methods of building, the substitution of steel and concrete for wood and brick shows itself in the reduced number of those working at certain building trades. Thus in the United States from 1890 to 1900 there was a decline of nearly 18,000 in the number of carpenters and joiners employed, plasterers decreased by almost 5,000, and bricklayers and masons suffered a slight falling off in number.

From the reports of many trade union secretaries, the Commission learned of other modern industrial developments which are causing much unemployment. Thus stationary engineers are thrown out of work by the substitution of electricity for steam; sheet metal workers suffer unemployment because steam heat is taking the place of hot air heating; carpenters and other woodworkers suffer as wood is replaced by fire-proof material.

There is no doubt that while some trades are thus taken away by machinery and changed processes, others are developing, but that is of little help to the unemployed man who does not know where to look for the new work, and who has not the training for it if he finds it. The modern workman needs all-round industrial training which will enable him to turn easily from one trade to another, and also some organization that will connect him in the shortest possible time with employers in other trades whose demand for labor is increasing.

Decaying Trades.—New invention, and new processes not only displace workmen in the trades where they are introduced, but also very often cause the decline of other trades. Thus the change in building processes is accompanied by a decline in the number of brick and tile makers of the country from 60,214 to 49,933—over 10,000. The increasing use of motor vehicles is marked by a decrease in the number of saddlers and harnessmakers from 43,480 in 1890 to 40,000 in 1905, and horseshoers from 241,000 to 126,000. The bicycle industry employed 17,500 wage-earners in 1900. Five years later the census showed that this number had dwindled to 3,000. The substitution of iron and steel for wood has led to a decline in the manufacture of lumber and timber products throughout the country. In New York, capital decreased from 1900 to 1905, 6 per cent., wage-earners, 21 per cent., and the value of products 12 per cent.

Changing customs also account for the decline of many trades. Shirt making which was formerly one of the most important of our needle trades has suffered a general decline since 1900 in the country as a whole as well as in New York. The census shows in 1905 a general decrease in number of establishments, amount of capital and value of the products accompanied by a decrease of 17.8 per cent. in the number of wage-earners employed. A similar decline is now going on in the suspender making trade as is shown in the following news item from the New York Times, July 6, 1910:

“The suspender manufacturers are much concerned over a recent turn of conditions affecting their industry. For several seasons a marked tendency has been manifested toward dwindling orders, particularly on high grade lines. Firms which heretofore have confined operations to suspenders are now adding belts

and garters in expectation that the falling off in demand for their stock will be counterbalanced by sales of the other merchandise. The head of a prominent metropolitan house said in discussing the situation: 'I am constrained to believe that suspenders are down and out. Reports lately received from road salesmen indicate that the future of suspenders means resolving into holiday business only. The college students have declared against wearing suspenders, and the average man who has hip development sufficient to support a belt has come to drop suspenders entirely.' "

Before these suspender manufacturers take up the making of belts and garters there is much unemployment and loss of earnings, and this will continue while the workers are learning the new trade. Then there will be many who will never be able to learn the new work.

We might multiply examples of declining trades, but these are sufficient to indicate that they are an important cause of unemployment.

Business Failures.—Every year in the United States from 10,000 to 15,000 firms go out of business, because they fail to make it pay. In the State of New York there are annually from 1,500 to 2,000 failures. The number of workers displaced by each of these failures is not ascertainable but they add a large number to the unemployed in New York State every year. Unemployment from this cause is particularly disheartening. Through no fault of the workers, merely, because the employer fails to make the business pay, the man's living is taken away, and he and his family made to suffer. If it were merely a matter of changing places the evil might not be so bad. But where shall he look for work? The skilled worker with definite trade might find other work by calling at the places where his trade is carried on, but in every business there are many unskilled laborers who find when they turn out to look for work that thousands in a similar position are already ahead of them looking for the chance of employment. Then there are many clerical and other workers with no particular skill whose value to a firm has been merely in their years of service and their knowledge of the methods of that firm. When they are thrown out of work by the failure of a business, their special value as workers is gone. In another place they must start at the bottom of the ladder again at great reduction in salaries. The years of faithful service they have spent in working up their position has gone to naught.

Reorganization and Business Economy.—In a similar position are the wage-earners displaced by the reorganization of business methods to save waste and economize in the cost of production. Every year the character of the ownership of our manufacturing establishments is changing. Census statistics show the establishments owned by individuals and by firms to be decreasing while more and more establishments are coming into the hands of incorporated companies. In 1900, 9 per cent. of the manufacturing establishments in fifty-nine selected industries of New York were in the hands of corporations. By 1905, the establishments owned by incorporated companies had increased to 14 per cent. Corporations owned over two-thirds of the capital invested in these industries, and they employed 46.6 per cent. of the wage-earners.* Every year more and more firms and individuals engaged in manufacturing are reorganizing as corporations.

Every such reorganization means changing of places for many and the elimination of some. The full extent of these changes does not appear when all industries are taken together. Individual trades show much greater changes than appear in the total. In the manufacture of cotton goods for example 35 per cent. of the establishments were owned by individuals in 1900, and 17 per cent. by firms. By 1905 these had decreased to 16 and 10 per cent. respectively. At the same time establishments owned by incorporated companies increased from 47 to 73 per cent. This is one of the industries in which there was a decrease in the number of wage-earners from 1900 to 1905. The decrease was probably due as much to reorganization as to machinery. Similar big changes took place in the manufacture of electrical machinery, paper and wood pulp, felt goods, silk and silk goods, etc.

Even without changing the ownership of establishments, reorganizations of methods for economizing in the cost of production are constantly being introduced, and the effect invariably is to displace some workers. The industrial engineers who recently described to the Interstate Commerce Commission the economies they had introduced in manufacturing establishments testified that the number of wage-earners necessary to carry on the work had been reduced by their system or else more work was accomplished with the same number. It was urged that the railroads be forced to introduce these economies.

* Bureau of the Census Bulletin 59, Manufacture, New York, 1905.

That reorganizations and business economies are a constant source of unemployment cannot be doubted. Reports from free employment offices throughout the country state that there is an oversupply of clerks, bookkeepers and general mercantile help. These are the workers who are mostly displaced by reorganization and economy in business methods. The superintendent of the Boston Free Employment Office states that it is not unusual at any season for such people to be idle in great numbers.

Changes in Location of Industries.—Establishments which move from one city to another, or from city to country or vice versa cause a considerable amount of unemployment. Allied to this is the tendency of whole industries to move from one locality or State to another, and to concentrate in certain centers.

The extent to which changes in location affect the industries of New York are shown in the following tables:

CITIES OF 8,000 AND OVER WHICH SHOWED DECREASE IN WAGE-EARNERS EMPLOYED IN MANUFACTURING FROM 1900 TO 1905.*

CITY.	1900.	1905.	Per cent. decrease.
Cohoes.....	8,273	6,910	16.5
Elmira.....	3,570	3,442	3.6
Gloversville.....	7,813	5,048	35.4
Johnstown.....	3,695	2,426	34.3
Little Falls.....	2,980	2,621	12.0
Lockport.....	2,359	2,323	1.5
Olean.....	1,793	1,175	34.5
Saratoga Springs.....	602	590	2.0
Troy.....	22,933	19,114	16.7

"Ten cities," says the Census Bulletin, "show a decrease in the number of wage-earners, seven in wages and three in value of products." Of the last three "The largest loss is shown for Olean and is due to the fact that a large establishment refining petroleum, and a railroad repair shop, both of which reported at the census of 1900, were not in business in Olean at the census of 1905. In Cohoes the same condition existed for an establishment manufacturing iron pipe and one manufacturing shirts."

Out of sixteen cities which contained three-fourths of the manufacturing industries of the State of New York, eight showed fewer employees in 1900 than 1890. This, while manufacturers in the State as a whole showed an increase of 12.9 per cent. in the wage-earners employed. The complete table follows, and it shows industries may decline and move away from big cities as well as from small towns.

CITIES WHICH SHOWED DECREASE IN WAGE-EARNERS EMPLOYED IN MANUFACTURING FROM 1890 TO 1900.†

CITY.	1890.	1900.	Per cent. decrease.
Albany.....	13,011	12,389	4.8
Binghamton.....	9,178	6,106	33.5
Buffalo.....	45,911	43,422	5.4
Newburgh.....	4,096	3,926	4.2
Syracuse.....	15,570	14,917	4.2
Troy.....	23,901	21,564	9.8
Utica.....	11,627	10,759	7.5

The manufacture of lumber and timber products is moving to the western states, nearer to the supply of lumber; textile manufacturing is moving southward nearer to the cotton fields. The center of the manufacture of clothing, our most important industry, is moving westward, nearer to the markets. Philadelphia, Cleveland and Chicago have

* Census Bulletin, No. 59, p. 47.

† Twelfth U. S. Census, Manufactures by States and Territories.

developed great clothing trade industries, and we may expect in the near future less work in these trades for the wage-earners of New York. Workingmen cannot pick up their families, break up relations which they have built up by years of living in one community and quickly follow the employer when he moves away from the city. Time is lost in hunting work in the old town, and when this is not found and the worker follows the industry he may find that others have been ready to take his place.

Contract Work.—The irregularity of contract work is another great cause of unemployment particularly among unskilled laborers. By contract work is meant work carried on in no permanent establishment, but let out to a contractor. He hires men to do the job, and when it is finished they are all discharged. The most familiar example of operations carried on under this system is in the building trades. Building workers are hired for a few months and when their work on one job is completed they must look for work in other places where buildings are going up. The amount of time lost between jobs in the building trade, however, is not very great during the busy seasons, because these trades are strongly organized and one of the duties of their business agents is to list all jobs where men are wanted and to direct union members to these places.

It is in the great undertakings, such as the building of our subways, aqueducts, railways and barge canals, that the unfortunate effects of this system appear at their worst. When the construction of the New York subways was completed thousands of men were suddenly thrown into idleness. No organized effort was made to transfer these men to other work which might at that time have been carried on in various parts of the country. A good many did, of course, find places through their own efforts after more or less loss of time, but for months after the completion of the subways, the Salvation Army, the Bowery Mission and the Municipal Lodging House were overrun with men who were thrown into distress because they could not find work.

The earnings of unskilled laborers in these employments are from \$1.75 to \$2.00 per day. It is not possible from these earnings, which are often further reduced by bad weather, lack of materials, sickness, accidents, etc., for the men to lay by anything for an idle period. They must connect with work immediately, otherwise they are compelled to seek charitable relief.

Every great construction work of such a character at first suffers from lack of laborers because there is no organized machinery for bringing idle workers from other parts of the country. Then the constant cry of lack of labor and alluring advertisements bring thousands of workers to the State, often more than are needed. And when the work is completed, many of them are left helplessly idle and penniless, drifting into the uncertain life of casual work, their strength and ability reduced by insufficient food and clothing, and lack of proper places to sleep. We shall always have such great contract jobs. But the evil effects of the lack of system in securing and distributing the labor force could be abolished if the transfer of men from one work to another was systematically organized by the State in co-operation with employers and workingmen.

4. CASUAL LABOR.

Closely related to the system of contract work in the method of hiring and discharging men, but far more prolific as a cause of unemployment and correspondingly drastic in its effects, is the system of casual labor. Work on a contract job may last a few months, a year, or several years. But there is an ever increasing amount of work for which men are hired for much shorter periods.

Dock Labor.—Dock labor is the most typical example of this kind of work. In New York harbor there are from 40,000 to 50,000 men employed in loading and unloading vessels. Of this number it has been estimated that probably only about one-half are working on any one day, and the number employed daily fluctuates violently. Although the minimum number at work may be one-half of the total it does not mean that the same people make up this half. Few men are steadily employed. They are hired by the hour and when the work of one gang on a ship is completed they are immediately discharged, be it one, two or three hours, or two or three days after they have begun. There are hardly any longshoremen who may be said to be permanently employed. The rate of wages of these people is 30 cents per hour, but employment is so intermittent that the earnings seldom average over \$10 or \$12 per week.

Very little is known of the conditions and methods of dock labor. In Great Britain it has been the subject of much study on the part of the government as well as of philanthropic society. In this country the field has been almost entirely neglected. Yet here the evil of unemployment is shown at its worst. These longshoremen can not be said to be unemployed, their trouble is unsteady employment. They work off and on. They

may wait around a dock half a day and get but an hour or two of work. Other days there will be no work, and then again there will be a stretch of a few days or a week when work will be carried on day and night. One week may bring two or three dollars, another twenty or thirty. How shall their families adjust their living to such an income?

The Commission has secured from a few stevedoring companies the number of men employed from week to week, and the hours they worked. The number of employees does not show the real extent of the unsteadiness of the work of longshoremen. On successive days which show the same number employed, part of the men may work four hours, part five and part eight hours. It is in the hours worked by longshoremen that we get a real measure of the amount of work in this trade.

DOCK-WORKERS. NUMBER OF HOURS EMPLOYED.*

Week ending.	Hours.	Week ending.	Hours.	Week ending.	Hours.
June 2, 1910.....	31,029	July 7, 1910.....	32,038	August 5, 1910.....	4,584
June 9, 1910.....	26,307	July 14, 1910.....	40,155	August 12, 1910.....	3,665
June 16, 1910.....	24,708	July 21, 1910.....	45,679	August 19, 1910.....	4,188
June 23, 1910.....	29,059	July 28, 1910.....	39,783	August 26, 1910.....	3,780
June 30, 1910.....	40,638				

During the month of June, it will be seen there were almost 16,000 more hours of work in one week than in another. If all the men worked full days of ten hours it would mean that these stevedoring companies had no work at the end of June for 1,600 dock laborers whom they employed in the middle of the month. As a matter of fact most of the men worked less than eight hours each day, and some days these companies had no work at all, so that the difference in the number of men employed must have been fully 3,000. The other months show similar fluctuations. Of course, the men who are not needed at one pier may find employment at another. Many of them do. But every dock with rare exceptions has more men reporting to it for work than can be hired.

Dock laborers are hardly ever sure of their work. Every morning all have to present themselves regardless of whether they worked the day before or not. In fact, foremen often make it a practice of giving some different men work every day in order that a sufficient number might be induced to come to the dock every day. A person long in the service has to take his chance to be hired the same as a new man just arrived, and the chance of being employed tends to draw to each dock more men than can possibly find employment. If there were one hundred men permanently employed at a dock others would know that there is little chance for them to get employment there. But when the work for one hundred is haphazardly distributed among nearly twice that many people, every man who gets a day or two of work during the week feels that there is a chance for him, and this always tends to draw to the dock more men than are actually needed to do the work. Thirty or forty employers of longshoremen interviewed by an investigator for the Commission, stated that there are always more men around than are needed.

Other Casual Work.—Another interesting example of casual work is the compilation and distribution of directories, telephone books, and the like, which furnishes work for hundreds of men, but only for a few months out of each year. In the work of compiling and distributing the city directories of New York, from 40 to 200 men are employed. Forty or fifty of these have work the year round. The rest are dropped after a month or two. Although the wages are only \$1.50 per day, with a few cases of \$2, the company has no difficulty in getting all the labor it needs. An advertisement in the newspapers brings about 500 applications for the work.

There are many other kinds of work which approximate these conditions. Thus many teamsters and laborers are hired from day to day and get good pay, perhaps for the day, but do not have more than two or three days of work per week. When the snow has to be removed from the streets of New York during the winter, several thousand men are ready to do the work, which seldom lasts more than a week. One wonders what they do the rest of the year. A study of the records of the men at the Municipal Lodging House reveals the history of some. They wash dishes in a restaurant for a few days; they help to fix up Madison Square Garden for a show; they do building laborers' work for a while; help a team driver when an extra man is needed; distribute directories and telephone books, and pack and ship goods in a department store during the Christmas season.

* The figures for one month cannot be compared with another month, because the same firms did not report for all months. Comparison should be made of the weeks within each month.

Almost every trade and every business has its "extra hands," "odd job men," etc., who are called in whenever there is a rush of work and then laid off again. The railroads and the steamship companies hire extra porters to handle the added freight of the summer season. The department stores take on a great amount of additional help of all kinds before Christmas. The express companies hire extra teamsters and helpers; and so on. As soon as the rush is over these are laid off. What becomes of them? At the Municipal Lodging House towards the end of December we found some. They had been employed as drivers and deliverymen. Inquiries sent to employers regarding the character of the men brought favorable replies. There was no more work for them to do. Not alone unskilled labor, but every skilled trade has its number of hangers-on, workers who are called in only from time to time.

The Charity Organization Society and the Association for Improving the Condition of the Poor, have stationed an agent at the Municipal Lodging House in New York, whose business is to try to secure work for the lodgers. In December, 1909, he found that out of 1,933 men whom he interviewed, 37½ per cent. were unskilled laborers. The other well represented occupations were teamsters, longshoremen, and the building trades, particularly painters. There were also a good many cooks and waiters.* Out of the 1,933 men who were interviewed, 25 per cent. had been out of work from one to four weeks; and 26 per cent. over four weeks. It is evident that these men are not idlers, for three-fourths of them had been unemployed less than a month, few were out of work more than two months, and hardly any, more than three months. Most of them will be working again in a few days, but two or three months later they will apply for free lodgings again, having lost their jobs. When asked "How long out of work?" the men reply, "one day," "three days," "a week," or "two weeks." Seldom are they unemployed several months at a time. They are working "off and on." They cannot be used steadily and most of them have lost the ability to work steadily. They are needed by employers; but only irregularly, for a few days or weeks at a time.

These are the real casual laborers for whose work there is no steady demand. It is the casual demand which brings into existence the casual workers. When a ship is to be unloaded at a dock on the North river, a foreman comes out and calls for men. A hundred or more come forward with folded arms, forming a group, "shaping" as they call it; and the foreman picks as many as he needs. The rest are told to come the next day. When a store or factory needs extra hands the "Help Wanted" sign is hung out. Wage-earners in need of employment tramp the street in the neighborhoods where these signs are frequently seen. When a big job is begun the newspapers are full of reports of the opportunities for employment, and workmen come in great numbers to take advantage of them. Each job tends to draw men to it; each dock has its own little reserve of labor, each sign "Help Wanted" looks like an opportunity for work not alone to one who will occupy it, but to many who will be disappointed.

The character of the work, the unsteady employment and the uncertain income demoralizes the casual laborers. From their ranks the vagrants are largely recruited. From being the result of an unsteady demand, casual labor becomes in turn a cause of more unemployment. At first unable to get steady work, the laborer soon becomes unwilling to work steadily.

The number of men who lead this life of casual labor is surprisingly great. They fill our cheap lodging houses and form the bulk of the applicants at the various societies for the relief of the poor. The great need is to give these people steady work, to "decasualize" labor, as they say in England. While we cannot do away with the intermittent demands for labor, we can so organize the method of hiring unskilled laborers, as to shift them quickly from one place to another, and so enable them to have continuous work, although for different employers.

Casual Work in Seasonal Trades.—Again there are certain seasonal trades, among them certain of the clothing trades, millinery, sporting goods, straw goods, in which irregularity of employment is the experience of most those who work at them. Five or six months during the year the girls who work at these trades must pick up what they can, working outside their regular trade. Few are able to make a living at any one trade. They go from one to another and acquire proficiency in none. Trade histories of girls kept at the Alliance Employment Bureau for women show the intermittent character of the work. Following is one of these histories. The girl is only seventeen, and has already held ten positions.†

* Annual Report of the Alliance Employment Bureau, 1907.

† Among the family men who are destitute and apply to the Charity Organization Society, these same occupations are the most numerous represented.

TRADE HISTORY OF A GRADUATE OF THE MANHATTAN TRADE SCHOOL.

	Time employed, months.	Trade.	Kind of work.	Weekly wages.	Reasons for leaving.
1	6	Millinery (retail) in Patterson, N. J.	Apprentice..	None.....	Family moved to New York.
2	3	Millinery (wholesale).	Improver...	\$6 (piece).....	"Laid off" because of slack season.
3	1	Millinery (retail)..	Learner....	\$1.50 (time).....	"Laid off" because of slack season.
4	2	Making handkerchiefs.	Learner....	\$3.50 (time).....	To return to millinery.
5	4	Millinery (wholesale).	Operator...	\$5-\$6 (piece).....	
6	2	Medicines.....	Maker.....	\$8-\$10 (piece).....	"Laid off" because of slack season.
7	3	Medicines.....	Wrapping... Labeling.	\$5 (time).....	To return to millinery.
8	3	Medicines.....	Maker.....	\$8-\$14 (piece)....	"Laid off" because of slack season.
9	4	Medicines.....	Wrapping... Labeling.	\$5 (time).....	To return to millinery.
10	3	Magazine bindery.	Maker.....	\$8-\$14 (piece)....	"Laid off" because of slack season. Out of work five months.
			Folding, etc.	\$6 (time).....	Idle half of each month.

The Industrial Secretary of the Alliance Employment Bureau says in her report for 1907: "It should be noted that this worker has been employed each season in the same wholesale millinery establishment, and has earned comparatively high wages. Yet for five months of the year she has been compelled to find employment in other trades. Nor is her record exceptional. Of fifty-seven graduates of the Manhattan Trade School who have worked in the millinery trade one year or more, only four (so far as the records show) have been employed so long as a year steadily by one firm. 'Steadily' meaning without more than one month of enforced idleness."

The same conditions were found by Miss Louise C. Odencrantz, who made an investigation into the irregularity of employment among women factory workers for the College Settlements Association. She gives the following:

FACTORY GIRL'S CALENDAR.*

January.	February.	March.	April.
Jan. 1-31. Sewing ladies' straw hats by machine. Can make up to \$20 a week at piece work.	Feb. 1-28. Still at straw sewing.	March 1-31. Working at the same place. Not much work, and can't make so much.	April 1-15. Can make only about \$6-\$7 a week. April 15. Left; no work. April 15-30. No work.
May.	June.	July.	August.
May 1-5. No work. May 5. Found work at operating on sporting goods at \$7 a week.	June 1-25. Working on sporting goods. June 25. Laid off. Season over for this trade.	July 1-17. Looking for work. July 17. Found work at operating on childrens' dresses at \$6 a week.	Aug. 1-5. Working on childrens' dresses. Aug. 5. Had to give up; work too hard. Aug. 15-18. Looking for work. Aug. 18. Began work at operating on shoulder braces. Six dollars a week.
September.	October.	November.	December.
Sept. 1-30. Working on shoulder braces.	Oct. 1-31. Working at the same place.	Nov. 1-10. Working. Nov. 10. Laid off; no work. Nov. 10-30. Looking for work.	Dec. 1-12. Out of work. Dec. 12. Sent for by straw hat firm. Dec. 28. Can make up to \$25, piece work, if I work fast.

* The survey May 1, 1909.

Miss Odencrantz says: "Here is the calendar of a year's work of a factory girl in New York City. May, now nineteen years old, is an exceptionally quick and accurate worker, and can boast of having earned more in one week than any other girl from the trade school where she learned straw sewing. But looking at her calendar carefully, we note that although she has been in five positions, working on different kinds of goods, she was out of work three months in twelve. Three times in the year she was without work, not because she was inefficient or wished to change, but because there was nothing for her to do."

5. MALADJUSTMENT.

A surprising amount of unemployment is due to mere failure of the demand for labor and the supply to connect up. Mr. Sidney Webb estimates that in England, "at the very busiest of times, * * * the minimum of unemployment, if it can be so called, due to time lost in shifting from job to job, and analagous causes, may amount to something like 1 per cent. of the whole of the working class population, indicating an average loss, from this cause alone, in the best of times, of three days per annum." * We have no statistics in this country to enable us to estimate the per cent. unemployed because of mere maladjustment. But we do have a mass of information showing that such maladjustment exists in great proportions, that within our own State, over the country as a whole, and even within one city, an unfilled demand for labor exists side by side with a large number of unemployed people.

This maladjustment is of several kinds. Skilled laborers may be much in demand while only unskilled are available. One city may have a great body of unemployed, while laborers are needed in other cities of the State and in the country. Or employers within a city may be looking for just the kind of wage-earners that are idle in that city, but who are ignorant of the demand for their services.

We have seen that willing workers are idle at all times of the year, in prosperous as well as in dull years. We have now to show that capital too remains idle or is not used to its fullest capacity because the needed labor can not be secured.

In reply to questions from the Commission, 272, or 37 per cent. of 744 employers of labor in this State, reported they were not always able to get all the help they needed. Still, there is apparently no difficulty as a rule, in getting common labor in the large cities — New York, Buffalo, Rochester, and Syracuse, for three-fourths of the employers in these cities who answered, testified to an oversupply of unskilled labor. On the other hand, while common labor is generally abundant within the larger cities, 37 out of 188 employers there, or about one-fifth, reported they could not get all the unskilled help they needed. And most of the employers in the smaller cities and towns of the State report that they find common labor scarce. Some towns complain of a scarcity of all kinds of help, while a number need women for factory work and boys particularly. †

A scarcity of skilled mechanics is complained of by employers in all parts of the State. Out of 1,100 establishments which reported to the New York Bureau of Labor Statistics, about half stated that they had difficulty in obtaining or training skilled employees. ‡ About 40 per cent. of the employers reporting to the Commission stated that there was a scarcity of skilled labor. It is apparent from these reports from employers that a large amount of maladjustment exists. Much unemployment and loss of earnings might be avoided if the unskilled labor that is oversupplied in the great cities were transferred to the small towns where it is needed. Much more might be saved if there were an agency in each city to connect that kind of labor which is reported as being oversupplied with those employers who complain of a scarcity of the same kind of help.

While the philanthropic employment offices in New York city can find work for only one out of four of their applicants at the same time they cannot fill a considerable part of the demand for help. Employers have requested the three branches of the National Employment Exchange to supply 10,684 wage-earners, but the branches could furnish only 4,657. The Alliance Employment Bureau fails to fill about 25 per cent. of its demand. The Young Men's Christian Association can fill only from one-third to one-half of the demand for help. The vacancies are not filled because the kind of help wanted is not available, although there is an oversupply of other laborers. Evidently the reduction of the oversupply in unskilled labor and the increase in trained men does not come about automatically.

What the causes of this maladjustment are is not hard to imagine. We have been going on the theory that free competition will of itself adjust the supply of labor to the

* In a letter to Dr. E. T. Devine, published in "Report on Desirability of Establishing an Employment Bureau in the City of New York," p. 96.

† Appendix IX, Table VI.

‡ Annual Report 1908, Part I, p. 15.

demand. That is, if there is a scarcity in one locality or in one industry, wages will go up and workmen will be attracted from other industries; if there is an oversupply in a city or industry, wages will drop and workers will leave the city or learn new trades. This has not worked out, however.

In the first place, about four-fifths of all the immigrants to this country are landed at the port of New York. Those who have no particular destination naturally remain in New York because they are ignorant of the country, because they are too poor to travel farther and because they can immediately find people of their own race and nationality here. The agencies for distributing them over the country are many, but they have not yet been successful to any great extent, and we have continually an oversupply of labor in New York city due to immigration. Secondly, the small towns offer few opportunities for secondary work when the slack season arrives. Workingmen therefore prefer to live in the great industrial centers where there is a better chance to get supplementary work. The result is that the city becomes oversupplied with labor while the small town is in need of help. Thirdly, since as there is no well-known exchange where buyers and sellers of labor come together, workmen do not know where to look for work, and employers do not always know where to find workmen. They may find each other in time, but many days will be lost. Finally, it is apparent that even though wages in the skilled trades are much higher than at common labor, that condition does not operate to reduce the oversupply of unskilled labor and to increase the supply of skilled workers, because workingmen can not afford the long periods of apprenticeship.

IV. LOSS OF EARNINGS AND EFFECTS.

It has been suggested that fluctuations in the amount of employment does not necessarily constitute a problem. If wages are high enough during the working period to carry the wage-earner over the slack times there is no problem at all. The vast majority of workers, it is true, take care of themselves during the periods of unemployment, but this is often done by lowering the standard of living and thus reducing efficiency, by sending wives and children to work, or by running in debt to merchants and to fellow workers.

Further, there is little evidence, except in highly organized trades like building, to show that wages are adjusted in such a manner as to afford an adequate annual income to the wage-earner despite loss of time through unemployment. It would be an advantage to the employer to retain his employees in constant employment throughout the year, if he had to pay them in the busy seasons an additional sum to enable them to live the slack months. That employers do not give steady employment is evidence that wages are not adjusted on any such basis. Wherever trade unions are strong they do attempt to force employers to raise wages high enough to yield a surplus for periods of unemployment. But they seldom succeed, and the majority of wage-earners do not belong to labor organizations. It must be remembered, too, that while an exceptionally strong union may force wages up to cover slack seasons, it cannot do this for slack years, and these as we have seen, recur just as regularly as do the seasons of the year.

The statistics of wages published by the New York Department of Labor are not entirely satisfactory because the building trades, which through their strong unions have pushed wages up very high, are the most heavily represented. Nevertheless, when we exclude the professional group (theaters and music) the average wage is less than \$3 per day for men, and less than \$2 for women. Unorganized wage-earners, on the whole, do not fare as well as union members. Even at \$3 per day a man with a family could not afford to lose very much time without coming dangerously close to the poverty line. Yet these people lose from 11 to 20 per cent. of their possible working time every year.* It seems plain that even at \$3 per day with the present cost of living few can afford to lose this time without hardship. When we remember that the unorganized workers earn a good deal less than the union men, there seems no doubt that few of the latter can lose the time that they have to lose every year, without getting into debt, reducing their standard of living, or applying for charity.

An idea of the loss of earnings by trade union members of this State through unemployment may be had from reports made by the secretaries to the Commission. The average possible earnings of the members in 211 unions are a little over \$1,000 per year. The actual earnings are only \$800; a loss of 20 per cent.† Of the 211 unions there were 72 whose members lost practically no earnings except through voluntary idleness. These

* *Supra*, p. 37.

† For the detailed figures see Appendix IX, Table VI.

included such occupations as barbers and retail clerks. The average loss per member in the rest of the unions was:

\$100 or less in 23 unions.
\$101 to \$200 in 32 unions.
\$201 to \$300 in 16 unions.
\$301 to \$400 in 24 unions.
\$401 to \$500 in 22 unions.
\$501 to \$600 in 9 unions.
\$601 to \$700 in 8 unions.
\$701 to \$800 in 5 unions.

It thus appears that each of the members in 116, or in 55 per cent. of the unions lost over \$100 annually, while in about one-third of the unions the average amount of earnings lost per member was more than \$300 a year.

The next question is: What part do these lost earnings form of the earnings that the workmen might have had if they had worked steadily? Out of the 211 unions,

The average member in 18 unions lost less than 10 per cent. of his possible earnings.
 The average member in 36 unions lost from 10 to 20 per cent. of his possible earnings.
 The average member in 15 unions lost from 20.1 to 30 per cent. of his possible earnings.
 The average member in 36 unions lost from 30.1 to 40 per cent. of his possible earnings.
 The average member in 21 unions lost from 40.1 to 50 per cent. of his possible earnings.
 The average member in 10 unions lost from 50.1 to 60 per cent. of his possible earnings.
 The average member in 3 unions lost over 60 per cent. of his possible earnings.

The members in over one-half of the unions thus lost more than one-fifth of their possible earnings, while the average amount of earnings lost per member in about one-third of the unions was over 30 per cent.

The trades which suffer the greatest loss in earnings are the masons and bricklayers, pavers and rammermen, millwrights, and stage-hands. They are able to earn only from 50 to 60 per cent. of what they could earn if they had steady work through the year. Next to them the longshoremen, building laborers, and marine transport workers show the smallest percentages of actual to possible earnings, namely from 60 to 70 per cent. Among those trades which show the least earnings lost are the barbers, retail clerks, hotel and restaurant and vehicle workers. The complete table showing the proportion of actual to possible earnings follows:

TRADES IN WHICH THE PERCENTAGE OF ACTUAL TO POSSIBLE EARNINGS WAS—

Over 90 per cent.	From 80 to 90 per cent.	From 70 to 80 per cent.	From 60 to 70 per cent.
Barbers, Retail clerks, Vehicle workers, Railway employees, Stationary engineers and firemen, Blacksmiths and boiler- makers, Hotel and restaurant employees.	Tobacco, Municipal employees. Metal workers, Glass workers, Printers, Brewery workers, Woodworkers, Molders.	Painters, decorators and paperhangers, Clothing and textiles, Carpenters and joiners, Teamsters, Stone cutters, Cement workers, Electrical workers.	Longshoremen, Building laborers, Marine workers. From 50 to 60 per cent. Masons and bricklayers, Stage-hands, Pavers and rammermen, Millwrights.

It is of prime concern to the State that each wage-earner should be able to use his powers to their full extent and to reap the reward. When a man is able to earn \$900 a year and his family has to live on \$600 his family cannot lead the life they have a right to lead, and his children cannot be brought up in the way that his earning power warrants.

We do not think it necessary to go into detail describing the effects on a family of the loss of work by the bread winner. They are obvious to any one who thinks about the subject at all. We mention here only a few of the most dangerous effects brought out by the study of 439 destitute families described in Appendix VII. First, is the fact already mentioned that when a man is thrown out of regular employment he is likely after a time to take any job that is offered. This draws him into the great group of irregular, casual

laborers. Secondly, the unemployed workman with a family to support is apt to resume work after a period of idleness at a wage lower than his real earning capacity. The necessity of his condition compels him to accept any wage that is offered. Thirdly, the lower earning capacity of the husband compels the wife to go out to work, and that usually means that several children are neglected. And, fourthly, the children neglected while they are under the legal working age, are sent to work as soon as the law allows. These children are not trained in any occupation which will make them capable of supporting a family when they grow up, because the family cannot afford a period of apprenticeship with little or no earnings, and it needs the earnings of the child at once. Thus the cycle is repeated. The present family's self support is secured by making the future generation liable to dependency.

V. EXISTING AGENCIES FOR THE RELIEF OF THE UNEMPLOYED.

We must conclude that unemployment is a permanent feature of industrial life everywhere. It is a risk to which our wage-earners are constantly subjected. A reserve of labor is needed to meet the fluctuating requirements of industry. There must be unemployed people ready to begin work when the busy seasons come, when employers want to extend their operations, when extra hands are needed anywhere.

Although the normal development of our industrial system makes this unemployment necessary and inevitable, the State of New York assumes no responsibility toward the able-bodied unemployed. No organized attempt is made to prevent suffering and degeneration among those who have to act as reserves in our industrial army. Only when the unemployed have become sick, disabled, and pauperized, when they apply for admission to a charitable institution, or when they have become homeless and criminal and are arrested for vagrancy or breaking the law — only then do our public authorities take any notice of them. While foreign governments are devising and establishing agencies to prevent unemployment as far as possible and to provide against the degradation of those who have to be unemployed, our State is content to allow the idleness to have its full effect. Instead of helping the unemployed to remain or become self-supporting, our policy is, to establish State and philanthropic institutions to take care of them when they are no longer able to provide for themselves.

I. MUNICIPAL LODGING HOUSES.

There is no difference between the policies of the State and of our municipalities in regard to unemployment. The only recognition that the City of New York takes of the existence of unemployed people is to provide a free lodging house for homeless men and women. This lodging house is conducted by the Department of Public Charities. No systematic attempt is made to find work for the lodgers.* The same department does maintain a free employment bureau in connection with its charity work, but this is a small affair, conducted by one clerk, and is established primarily for the purpose of supplying the unskilled help needed in the various charitable institutions of the city.

The lodging house gives a person a supper, a night's lodging, and a breakfast, for which he is expected to help clean up the house in the morning. If a lodger returns more than three nights in any one month he is liable to commitment to the workhouse as a vagrant. Usually the inmates are warned not to appear after the third night. If a person secures work and has no money to tide him over until his first pay day, he is permitted to stay a week or more. Some of the better men are given an opportunity to break stone on Blackwell's Island every forenoon for a week or two and while they are thus employed they may stay at the lodging house.

During the year 1909 there were given 102,421 lodgings. These were divided as follows: Men, 90,999; women, 8,177; boys between sixteen and 21 years, 1,054; girls, 3,321. These lodgings are far in excess of the number of individuals sheltered. The superintendent estimates that from 30,000 to 34,000 different persons received lodgings in 1909. The house has a capacity of about 700 beds but the average number accommodated is between 200 and 300. In the summer the number falls to about 100 a night, while on bad winter nights the full capacity is almost reached.

The people who use the Municipal Lodging House are mainly of the casual labor and unemployable classes. Some appear month after month for a few nights' shelter, spending the other nights in other lodging houses or sleeping out. A good many, however, are really unable to get steady work. Many workmen who are passing through the city looking for

*An agent of the Charity Organization Society and the Association for Improving the Condition of the Poor does a little in this direction.

work use the lodging house. Among other information required of every lodger is the name of his last employer. To the employer a letter of inquiry is sent. In a majority of cases the lodgers are given a favorable report, and many times employers state that they would re-hire the men if they had work for them. Over 50 per cent of the lodgers are Americans, and of the others the vast majority are men from Northern Europe, who have been in this country for many years.

The Municipal Lodging House is of course no preventive measure against unemployment. It does not even prevent the worst effects of unemployment. The men who come to it are those who are at the end of their ropes. It is only when their money is all gone and when they have lost their homes that they are admitted to the lodging house. By that time their hope is gone, and many of them are unable and unwilling to work steadily if the opportunity comes to them.

2. PRIVATE EMPLOYMENT OFFICES.

While the State does nothing to find work for people, private agencies have sprung up whose purpose it is to make a profit by performing this function. That there is a great field for work in this direction is evident from the growing number of private employment offices. The last report of the Commissioner of Licenses of New York city states that these have increased in the city during the last six years from 450 to almost 900.

As agencies for bringing together employers and wage-earners the private employment bureaus are entirely inadequate. "Most of them are run on very small capital. A number are in the tenement houses, a single living room being set aside for the business of the agency. Some agencies conduct a boarding or lodging house. Thirty-nine on the lower East Side of New York are located within a few blocks of each other. Competition among them is wasteful and at times even unpleasantly aggressive."*

We do not think it necessary to describe in detail the abuses for which the private employment offices have become justly notorious. They were adequately treated by the Commission on Immigration which reported to this legislature two years ago. A statement by the manager of a philanthropic employment office as to the effect of their work will suffice.

"We find that it is not an easy matter to gain the confidence of men looking for work, especially of the foreign common laborers. We attribute this to the way the labor agencies and others trying to obtain men have misrepresented conditions, as to the kind of work, living quarters, cost of food supplies, amount of railroad fares, etc., which has made them very cautious and loathe to believe what is told them. The only thing that will eventually command the confidence of the men is an established reputation of not misrepresenting the conditions of things. This of course will take time."†

Misrepresentation, extortion and other dishonest practices are found wherever the function of adjusting the supply of labor to the demand is left in private hands. No amount of strict regulation has been able to do away with these evils. Germany has recently passed a law prohibiting the establishment of a private employment agency in any community where there is a public labor exchange supplying the kind of help the private agency proposes to deal with. This is the first step in the direction of abolishing all employment bureaus in Germany which are operated for private profit.

Although the private employment agencies of this State find work for many people, they tend to increase rather than to diminish the maladjustment which, as we have seen, causes so much unnecessary unemployment. If the first place it is to their interest to place men in temporary, unsteady positions. Every job they get for a man means a fee for them. They do not seek to locate men in permanent places in industry or in the places they are best fitted for; but they encourage them to change positions often. The applicant is sent to any work that offers itself, however temporary or unsuited to his abilities, in order that the fee may be earned. Secondly, by having many individual private employment agencies, we tend to increase the maladjustment by scattering the demand for labor over the whole city when the need is to concentrate the demand in one place. The employer who does not find the help that he needs at his gates can not register his demand in all the 900 agencies. He is likely to register with one which may not have on hand the kind of workers needed, while other agencies of which he does not know might have an oversupply of just that kind of labor.

* Report of the Commission of Immigration of the State of New York, 1909, p. 114.

† First Annual Report of the National Employment Exchange, 1910, p. 16.

3. PHILANTHROPIC EMPLOYMENT OFFICES.

There are numerous religious and charitable agencies in the State which attempt to secure work for the unemployed free of charge or at a nominal fee. Most of these are little more than church committees to help the destitute in their neighborhood. They try to provide sewing and laundry work for the women and odd jobs for the men. In the main the people reached by these agencies are old or otherwise handicapped.

A somewhat larger work is carried on by various immigrant societies. Such are the Labor Information Office for Italians, The Jewish Industrial Removal Office, and the Immigrant Labor Bureaus of the German and the Irish Immigration Societies of New York. These aim to distribute immigrants throughout the country, to find work for them, and to help them in other ways. Their work is important, but is usually conducted on a small scale. As aids to certain classes of immigrants they are of great value, but as agencies for connecting the unemployed with work they are trifling. Of all the bureaus only the one for Italians has a clientele of employers who could use laborers in any considerable numbers. This office finds places for about 5,000 immigrants annually. It could place a good many more, for the number of applications for help here usually exceeds the number who want work. Italians are much in demand for construction work throughout the country, and over 90 per cent. of the men placed are laborers for this kind of work.

The Industrial Removal Office which aids Jewish immigrants to settle outside of New York city has been in existence about ten years and during that time it has sent from New York about 50,000 people, of whom roughly 60 per cent. were bread winners, the rest being dependent upon them for support. The Industrial Removal Office is not an Employment Bureau. It does not send immigrants directly to employers who apply for help. The people are sent to communities where it is thought they could be located to the best advantage. Local committees in these places receive the immigrants, and care for them until employment can be found for them.

A similar work is carried on by the Young Men's Christian Association. It has agents stationed at Ellis Island to whom immigrants apply for aid, having been instructed to do so by Y. M. C. A. secretaries in their home country. These agents direct the foreigners to the places where they want to go or advise them where to settle if they have no particular destination. In the cities to which the immigrants are sent the local secretaries meet them and help them to find work and to settle among people of their own nationalities. In the three years since the beginning of this work at Ellis Island over 5,000 men have been helped, 63 per cent. of whom were under twenty-five years of age. They were directed to 769 cities and towns in forty-two states of this country and twenty-one cities in six provinces of Canada.

It will be noticed that these agencies which aid in the distribution of immigrants are not primarily employment offices. In few cases do they have direct relations with employers. They sometimes find work for the alien incidental to other aids that they give him.

More systematic attempts to bring wage-earners who seek work to employers needing help are made by the employment bureaus of such organizations as the Salvation Army, Young Men's Christian Association, and the Bowery Mission. But here again the connection of the employment agency with the charitable work of these organizations militates against its efficiency.

The Salvation Army in New York city found places for less than 1,500 persons out of over 5,000 applications during the year ending September, 1910. Most of these were temporary jobs for unskilled men. The Employment Bureau of the Bowery Mission has placed about 9,000 workmen during its two and a half years of existence, about 2,500 of them being sent to farms. For these positions there were 40,000 applications. The people who apply for work at these bureaus are the lowest classes of the unemployed, those who have failed to get work by every other effort and those who have lost the habit of steady work. The employers who patronize these agencies look upon them as places to get cheap, incompetent help. While we are assured that the majority of those who frequent these employment bureaus are really anxious to work, it is a fact that self-respecting unemployed people avoid them, and employers feel that they are frequented only by the inefficient. The character of the work of these agencies becomes evident if we explain that the test which the Salvation Army applies to see if an applicant is willing to work is to ask him if he will accept a job to carry a sign through the streets. The treasurer of the Bowery Mission testified that he had sent men out to work on farms at wages as low as \$10 and \$5 per month when the prevailing rate according to officials of the Department of Agriculture of this State was \$25 and \$30.

The branches of the Young Men's Christian Association which conduct employment bureaus do good work but on a very limited scale. They aim first at securing work for their own members. Usually a fee is charged which is greater for non-members than for those who belong to the association. Most of the applicants are young men under thirty years of age; and they are usually looking for clerical positions. For the year covered by the last report, the West Side Branch in New York City filled 1,289 places, and the Twenty-Third Street Branch, 858. The Employment Bureau of the Bowery Branch does not charge any fee, nor does it advertise its work. It has all it can do to take care of the applicants who come without advertising. Four hundred and sixteen positions were secured in 1908 and 774 in 1909.

A philanthropic placing agency which points the way to what might be done in the way of organizing the search for work is the Alliance Employment Bureau for women and boys. This is supported by many settlements and philanthropic societies in New York city. Most of those who apply to the bureau are young girls, factory workers. The trades at which they work are usually seasonal. When work is slack at their regular trades the bureau tries to find them employment at other trades. During the dull times in the summer many are sent outside of the city to work in hotels. The bureau charges a small fee. Not only are accurate and detailed records of each applicant kept, but an attempt is made to investigate the conditions in the plants of employers who call for help in order to determine if it is desirable to send people to them. For this investigation the bureau has to depend on the permission of the employer; and this is often denied. However, the bureau has gathered a good deal of information about conditions in factories by getting statements from the employers and from the girls who worked for them.

If such work as the bureau is doing were conducted on a large scale and organized to cover the entire State, much might be accomplished toward diminishing the amount of unemployment. With the resources at its command this agency can fill but about 1,000 positions annually.

In May 1909, the National Employment Exchange opened an office near the Battery in New York city for manual workers, skilled and unskilled. In November of the same year a branch for mercantile help was started at 47 West Forty-second Street, and on May 1, 1910, another office was established on Grand street. The National Employment Exchange was incorporated in 1909 under the laws of the State of New York, with a subscribed fund of \$100,000. Its purpose is to do away with that considerable amount of unemployment which is due to mere maladjustment, i. e., failure of the supply and the demand for labor to meet. The idea was suggested by Mr. Jacob Schiff, and the incorporation of the exchange followed a report as to the need of such a bureau prepared by Dr. E. T. Devine, secretary of the Charity Organization Society. The object was to be philanthropic, but a fee was to be charged because "a business rather than a charity would attract a better class of both employers and employees." The fund of \$100,000 was to be subscribed to meet the deficit of the first few years. Eventually it was hoped that the exchange would become self-supporting. It was to operate over the whole country and deal with all classes of labor.

The first annual report of this exchange has just been issued. During the eighteen months existence of the State street office it has filled 3,574 places. There were applications from employers for over 7,000 men, but the manager reports that he could not get enough men to supply the entire demand. At the same time it must be noted that he had approximately 60 applications for work every day or over 24,000 for the whole period. The Grand Street Branch was able to fill only 546 places out of 2,101 vacancies notified to it, although there were about 5,000 applicants for employment. In the Mercantile bureau, 537 were placed, 1,488 were wanted, and 3,540 applied for positions.

All told there were 4,657 positions filled. This was done at a cost of \$24,793 or over \$5 per position, secured. The work of the manual labor branch cost less. The State Street Branch placed its men at an average cost of less than \$3 per position, and the Grand Street Branch at about \$3.50. In these offices many men are sent out in groups and there is no expense in looking up references. The Mercantile Bureau, however, which can place individuals only, and which inquired carefully into every applicant's record, spent \$12,369 in placing its 537 people, a cost of about \$21 per person.

It is too early to pass judgment on the National Employment Exchange as to its success or failure. The cost of its operation is certainly excessive, but this may be reduced as the business increases. It is true however, that the exchange has not been able to win the confidence of the working people. Its directors are all bankers or employers of labor. No labor interest is represented in its management. An exchange which understood the needs and had the confidence of the working people would have no difficulty in securing all the common labor it had calls for.

4. PUBLIC EMPLOYMENT OFFICES.

There are two government agencies in this State, part of whose work is to secure places for unemployed wage-earners. One is national, the Division of Information of the United States Bureau of Immigration; and the other is the Bureau of Information and Statistics of the New York State Department of Agriculture.

The federal division opened its office in New York early in 1908. There are branches also in Baltimore, Galveston and Chicago. The law which created the division states that it shall gather information with regard to opportunities for work in all parts of the Union, and to give this information to immigrants and to all others who may apply. It was designed mainly as a means of distributing the immigrants. The work of the bureau is greatly facilitated by the franking privilege which it enjoys. Inquiries are sent to rural postoffices with instructions to distribute them to the farmers. These are requested to fill out the blanks with regard to the opportunities for work in the neighborhood. The office is thus able to use the postmasters as correspondents who send in information as to the conditions in each country throughout the country.

During the year ending June 30, 1909, the New York office had applications for information from 24,602 persons. Most of these, but not all, were wage-earners seeking employment. Some were farmers and business men wanting advice regarding opportunities for settlement and investment. The total number sent to definite employment during this year was 3,812. The positions were mainly on farms. A large number of common laborers and a good many miners and domestics were also placed. The places to which they went were usually in New York, New Jersey, and in the neighboring states. Many more might have been placed in more distant states if the cost of transportation were lowered or advanced for the workingmen. The common laborers placed by the division amounted to about one-fourth of the total number distributed.

The Bureau of Information and Statistics of the New York Department of Agriculture was organized in June, 1905. The object of the bureau is not so much to aid the unemployed as to secure the labor that is needed on the farms of the State. The lack of farm labor is given by the Commissioner of Agriculture as the cause of depreciation in the values of farm lands, and he estimated that the farmers of the State lose many millions of dollars from insufficient help to harvest crops. During the year 1909 about 4,000 were sent to the farmers of the State. The report, for the year 1907 says:

"The conditions in all parts of the State through this lack of labor have become acute and the demands upon the bureau for assistance have become numerous and persistent. The result of the work for the present year has been the securing of some 4,171 farm hands who have been sent to farms in all parts of the State; included in this number was a fair percentage of families. These people included nearly all nationalities, some were native Americans, a large proportion Germans and Scandinavians, some Hollanders, Belgians, Swiss, Russians, Austrians and many from the British Isles."

The condition here is quite opposite to that of ordinary employment agencies. Any man who is a good farm hand can get work during the spring and summer by applying at the Bureau of Information and Statistics. But the bureau will not send out any men who can not command the prevailing rate of wages of \$25-\$30 which is paid in this State. This requires men used to farm labor. City-bred men as a rule will not do.

The free employment offices in other States* require some mention because they point out the road we must travel toward a proper solution of the problem of unemployment. In nineteen states of the Union, there are public employment offices, state or municipal. These were established mainly to curtail the abuses of the private offices; but experience soon showed that the duty of connecting employers and workmen who need each other, with the least possible delay, is a desirable one for the State to assume.

The first offices were established in Ohio in 1890, and since then they have spread rapidly over the country. Illinois started three offices in 1899; now it has six. Wisconsin had one in 1899; now it has four. In Minnesota an office was started in 1901; now there are three. Massachusetts began with the Boston office in 1906. Since then Fall River and Springfield have secured free employment offices, and people in other cities of the State are asking for them. Michigan passed a law establishing two offices in 1905. Three more were added in 1907, and the last legislature added three more, making eight in all. The States of Indiana, Oklahoma and Rhode Island recently opened free employment offices and the City of Newark in New Jersey has organized one.

Unfortunately the work of free employment offices in the United States has been hampered by politics in the management and by inadequate appropriations. This was the

*See Appendix III.

cause of the failure of the New York office, for which only \$5,000 annually was appropriated. It was abolished in 1906 after ten years of existence. Instead of abolishing the offices, as New York State has done, a few States have tried to abolish the evils in their management, the cause of their failure. Those that have put the force under the civil service, and increased the appropriations for the work, have secured better men as managers and they now have the leading offices in the country, although much yet remains to be done in order to make them as efficient as they might be. It is evidence of the essential strength of the principle upon which public employment offices are based that despite the handicap of political appointees and inadequate appropriations they have made substantial progress in this country.

The Boston free employment office which is the most efficient of any, spent \$14,000 last year to carry on its work. It has a superintendent, a chief clerk and nine additional clerks. All the office force are selected under the civil service rules. It finds places for 15,000 applicants during the year. The work is carried on in five distinct departments, and all classes of labor have been placed, from a foundry superintendent at \$2,000 a year to a scrub woman at \$1.50 a day. The cost to the State of securing these positions is now ninety-three cents each, and will be still less as the amount of business done increases. Employers, workmen and public men generally think that this is a good investment. In Seattle where the city conducts an employment office, and also has its office force under civil service, 38,000 workers are placed annually at a cost of \$1,623, or four cents per position. This low cost is due to the large number of unskilled laborers who are sent out in gangs to the hop fields and lumber camps.

Not the least of the value to be gotten out of the public employment offices is the information they might give regarding the extent of unemployment, the causes, and the remedies that are needed. The inadequate appropriations have prevented most of our offices from hiring the clerical force needed to keep records. The Illinois offices have recently begun to improve their method of record keeping. In Massachusetts a splendid system of keeping most of the necessary data in simple form has been devised, but all of those who apply for work are not registered. The superintendent of the Boston office issues a monthly "Labor Market Letter"* which is widely circulated by the newspapers. In this way employers in all the New England States and in 240 out of the 345 municipalities of Massachusetts have been able to get workmen from the Boston office.

5. SUMMARY.

The experience of these agencies that have been dealing with the unemployed shows clearly their inability to cope with the problem. The necessity to keep labor employed as fully as possible, is not a charity problem. It is no more charity than are measures to prevent capital from remaining idle. Both are means of economy. Wage-earners steadily employed and capital used to its full capacity mean more wealth and less waste for the people as a whole.

Lodging-houses and stone yards, even if we greatly increased their number, would not diminish unemployment. They are mere humane measures to prevent the starvation of those who have become entirely destitute. The employment bureaus which are connected with the religious and charitable institutions are usually conducted on a small scale and in an unsystematic manner. Employers do not patronize them and self-respecting workingmen will not apply to them for work. The Association for Improving the Condition of the Poor, the United Hebrew Charities and the Society of St. Vincent de Paul each attempted to conduct an employment bureau, but all have been discontinued because the connection of the bureaus with charitable agencies militated against their success.

The numerous private employment agencies, usually conducted on a small scale, are subject to great abuses, and to competition rather than co-operation, so that they complicate rather than help the solution of the problem of unemployment. Philanthropic agencies which charge a fee in order to remove the taint of charity from their work have in some cases proved successful on a small scale. They have not, however, been able to win the confidence of both employers and wage-earners, which is necessary for the fullest success of such agencies. While it may be admitted that such a philanthropic employment office could be successful as a mere placing agency, just as there are many successful private employment bureaus, it could do little toward a solution of the problem of unemployment. In the first place the fee would prevent it from exercising the widest influence. European cities which at first charged a fee in their labor exchanges and later made the service free, increased their usefulness very greatly thereby. Further, the investigations of labor camps,

*Appendix VI.

factories and other places of employment to which applicants are sent can not be conducted by any private or philanthropic agency. The authority of the State is needed to make it successful. And finally it is evident that employment bureaus, however successful, can only operate when there are places to fill and when the proper men to fill them are available. They can not make work for the unemployed, they can not educate the unskilled workers to enable them to fill the demand for skilled labor, they can not provide funds for the maintenance of those who despite all preventive measures are bound to suffer unemployment. These things will have to be done by the State if they are to be done at all. A system of public employment bureaus covering the entire State will be a necessary first step to determine when these measures are to be undertaken and in turn, their success will depend largely upon the success of the public labor bureaus.

Those State and municipal free employment offices which have been established in various parts of this country have not accomplished all that they started out to do. They have not succeeded in diminishing to a very great extent the abuses of the private agencies, and, with a few exceptions, their activities are small and limited to unskilled labor. Many of them, too, are inefficiently managed. The trouble has been that legislatures have refused to vote adequate appropriations for the maintenance and operation of the free employment offices. The salaries have been too low to attract capable men, the office forces have usually been limited to a small number incapable of carrying on a great amount of work, and appointments have generally been made with politics as the main consideration. It remains true, however, that these free employment offices are increasing in efficiency and in the amount of work they do, and more states and cities are establishing them every year. The people are recognizing the value of the work of these agencies, they are voting more funds for their support, selecting better men as managers, and putting the work under the civil service. Where this has been done, as in Massachusetts, Illinois, and in the city of Seattle, Washington, the free employment offices have been able to make a success of their work. They are placing a greater number of wage-earners, they are doing it more quickly and more efficiently, they are giving satisfaction to employers and laboring men alike and they are finding out the measures that the States will have to adopt in dealing comprehensively with the problem of unemployment.

VI. FOREIGN METHODS OF COMBATING UNEMPLOYMENT.

The governments of Europe have long recognized that the primary causes of unemployment are economic and social and that without an entire reorganization of the industrial system, they can never completely do away with it. They have therefore, made attempts to provide against it. They try to reinstate the idle wage-earner in a place in industry as quickly as possible; they propose to insure him against involuntary idleness, and to help him over periods of distress.

To describe adequately all the agencies and methods for dealing with the unemployed in foreign countries would take several volumes. During the summer of 1910 a first-hand investigation of these European systems was made by investigators of the Commission, who spent ten weeks in studying labor exchanges and other agencies for relief of the unemployed in England, Germany, Switzerland and Belgium. The results of this study appear in Appendix II. In England and Germany can be found examples of all the methods for dealing with the unemployed that have been devised. A brief description of the experience of these two countries will serve our purpose here.

I. GREAT BRITAIN.

The early experience of Great Britain was an excellent example of the wrong way of tackling the unemployment problem. The British government has just begun to learn its lessons from that experience, and is now organizing the fight against unemployment on a new basis.

Whenever there is an industrial depression and great distress from want of employment, the cry goes up "Work for the Unemployed." Great Britain from 1885 to 1896 suffered from almost continual depressions. The municipalities were appealed to, to start relief work for the unemployed. In 1886 the Local Government Board issued a circular to local authorities recommending that they arrange the execution of work on which unskilled labor might be immediately employed. Under this impulse many cities established such relief works. In London, the city co-operated with philanthropic persons in carrying on such work in 1885, from 1892 to 1895, and from 1903 to 1906.

The idea of this relief work was to afford work for men temporarily unemployed to tide them over a period of distress. Workmen were to be encouraged to resume their regular occupations as soon as possible. But the projectors had overlooked the fact that in

the busiest time there is that great class of casual laborers whom we have described.* The relief works were overrun by these laborers and those temporarily unemployed for whom the works were primarily established were hardly reached at all. It was not possible to hold the men up to a standard of competence. Given work because they were unemployed, it was not possible to discharge them for incompetency and leave their families to suffer. Skilled men would not work with these inefficient, and at such unskilled and often useless labor; while those who did go to work tended to fall to the incompetent standard which the lowest men set up. It was not expected that a man should earn his wages. Further, it was not possible to have any really useful work done as "relief work" without taking away work from other men who were steadily employed.

In 1905 the Unemployed Workmen Act† was passed. Under this law a Distress Committee was established in each city of 50,000 people or more. These distress committees were to aid deserving unemployed people by furnishing work, sending them to other parts of the country, and aiding them to emigrate. They proceeded to register the unemployed and found that most of the applicants were casual workers. They established relief works, with results similar to those just described.

The London (Unemployed) Body, which is made up of several Distress Committees, bought a great farm‡ and sends men out to live there, giving their families in the city a weekly allowance. But under the act the unemployed are to be provided for only temporarily. While on the farm the men improve perceptibly in strength and morals, but then they must be sent back to the city again to look for work. In most cases it has been found that they drift into the old life again.

Most of the Distress Committees also established labor exchanges or, as we should call them, employment offices to find places for the unemployed. These obviously could not create work, but they proved to be the most successful part of the Distress Committees' plan. Evidently there were many positions which the unemployed might occupy if they only knew where to find the places. But employers lacked confidence in the exchanges because of the great number of incapables who were always there. Respectable workmen, too, were loathe to register with the Distress Committees.

Meanwhile a Royal Commission on the Poor Laws had been studying all these efforts and they pointed out the folly of proceeding on the assumption that the unemployed needed tiding over during a temporary period of depression when there are, as a matter of fact, even in prosperous times a large number of idle wage-earners of all sorts, particularly casual laborers. They recommended, therefore, (1) that a system of labor exchanges be established to connect employers who need workers with work people who need employment; (2) that a system of education and training of the young for industrial life be inaugurated, in order that the oversupply of unskilled workers may be reduced and the skilled men that are needed may be supplied; (3) that employment should be regularized by means of government work so planned as to be carried on mainly during dull times; and (4) that the government should establish and promote insurance against unemployment in order to avert distress where unemployment is inevitable.

Carrying out the first of these recommendations the Liberal Government passed the Labor Exchanges Act in 1909.§ This law authorized the Board of Trade to take over the exchanges started by the Distress Committees and to establish new ones. In February of the same year, the Board of Trade formally opened about ninety of these exchanges. Since then the number has been increased to 142. These offices are grouped in ten divisions into which the country has been divided for administrative purposes. At the head of each is a divisional officer. The work of the divisional offices is to facilitate the transfer of men from one exchange to another. In practice, however, it has been found more advantageous for the managers of exchanges to communicate directly with one another by telephone. Only when the transfers are to be made from distant parts of the country are they conducted thus by the divisional offices.

Every exchange sends to the divisional office three times a day a list of all those positions which it is unable to fill. The divisional officer has all of these printed and distributed among all the other exchanges in the division. Once or twice a week similar lists of vacancies are exchanged among all the divisions of the country. In this way men unemployed in one district are brought in touch with employers in another.

The exchanges are authorized by law to advance the cost of transportation to any workmen who may be unable to pay it himself. Either the applicant or the employer agrees to reimburse the exchange. Usually, however, advances have been made only when

* Page 48, *supra*.

† Appendix IV.

‡ Hollesley Bay Farm Colony, see Appendix II.

§ Appendix V.

employers agreed to pay the expense of transportation. They reimburse themselves in whole or in part by deductions from the workmen's wages. The law provides that the exchanges must in no case advance transportation to a place where there is a strike or where the wages offered are below the prevailing rates in the community.

Each of the ten divisions is to have an Advisory Committee of employers and workmen to make suggestions for the better conduct of the business of the exchange. Each division is also to have a Juvenile Advisory Committee composed of employers, workmen and educators to make suggestions with regard to the placing of juvenile labor. All these committees have not as yet been organized. When they are it is hoped that the opposition of the workers which has cropped up will disappear.

On the whole, the experience thus far must be regarded as a success. The leaders of the working classes are giving their support to the exchanges. Although some of the local unions are suspicious and have declared their opposition, this is gradually overcome as the exchanges become more efficient. Moreover, employers are gaining confidence in them and it is significant that in most cities more skilled men are placed than unskilled. The exchanges now find places every day for about 1,500 working people. The number of applicants for work has been about four times as many. This looks discouraging, but it is not. The experience of the exchanges reveal the measures that need to be taken. It appears, for example, that almost 40 per cent. of the vacancies can not be filled, because men properly trained are not available. The next step therefore, is to train the young and direct them into those trades where there is a demand for skilled workers. Again, many of the workers are thrown out by dull seasons in their trades. For the mass of unskilled workers the government proposes to carry on its necessary work and have the local governments carry on theirs as far as possible only during the dull seasons. It is not to be relief work, but work done in the ordinary way. Men are to be hired through the exchanges, they will be paid the prevailing rates of wages, and they will be discharged if they are incompetent. For the skilled workers the government hopes to introduce a system of insurance as soon as the exchanges are so far perfected as to afford a method of controlling those who are insured and finding out who are actually out of work against their will.

The Government of Great Britain does not look upon the labor exchange as an end in itself. While it is true that some unemployed are placed in positions who might otherwise drop out of industry and become public charge, the majority of those for whom positions are found would no doubt sooner or later find positions by their own efforts or through private employment offices. The director of the labor exchanges stated that the most that can be claimed for them is that by organizing the search for work in a systematic way and on a national scale, places are found more quickly than they otherwise would be, and the idleness between jobs is greatly reduced. But aside from this very important work, the government looks upon the exchanges merely as a first and necessary step in the comprehensive system of dealing with the problem of unemployment which was outlined by the Royal Commission on the Poor Laws.

2. GERMANY.

The recent development in the methods of dealing with unemployment in Great Britain has been modelled very largely after the experience of Germany. In the latter country, instead of setting up relief works for the unemployed, an attempt was made first so to organize the labor market as to do away with that mass of unemployment which is due to the haphazard way in which employers and wage-earners are left to find each other. This has been accomplished by the establishment of Municipal Labor Exchanges.

The Berlin Labor Exchange was founded in 1883 by a philanthropic society. It now receives an annual subsidy from the City of Berlin, and it has attached to it twelve departments for skilled labor conducted by associations of workmen and employers under their own trade agreements. The first of the Municipal Labor Exchanges was established by Dresden in 1887. There are now in Germany 462 public labor exchanges.

Most of them are maintained by the municipal governments, but a few are labor bureaus conducted by the Departments of Agriculture of the various States in order to get farm labor. In Great Britain the exchanges are national, established all over the country by the Board of Trade. In Germany there is no national or state law establishing exchanges.

The necessity for a closer organization of the activities of the various exchanges soon showed itself, and there was organized the "*Verband Deutscher Arbeitsnachweise*" (Union of German Labor Exchanges). This has its headquarters in Berlin and receives an annual subsidy from the Imperial Government. Its work is mainly administrative, and it publishes a monthly paper called "*Der Arbeitsmarkt*" (The Labor Market) which gives news of all

the exchanges. The exchanges in each state, and some provinces have also organized associations for facilitating their work. There are now eleven voluntary associations of this kind, and they receive subventions from their state and provincial governments. The Kingdom of Wurtemberg itself conducts the central office for its twenty municipal exchanges. These unions of labor exchanges correspond to the divisional offices in Great Britain. They exchange lists of vacancies and facilitate the transfer of men from one part of the country to another. Some of the states allow reduced rates of transportation on the government railways to workmen thus sent by the exchanges.

The only noticeable opposition to these labor bureaus comes from the employers of the great industries. The small employers are sympathetic. The trade unions were hostile at first but after much discussion the Trade Union Congress in 1898 endorsed the exchanges and since then labor men have been active in their support of the work. The employers in the big industries recognize the necessity of organizing the search for work but they want to keep the organization in their own hands. The Metal Trades Association and the mine owners have established labor exchanges of their own which are outstripping all others in the amount of business done. They are able to do this because all the employers are required to get their help from the associations' exchanges.

The service of all the municipal labor bureaus is free to employers and to workmen alike. Some of those managed by philanthropic associations charge a small registration fee to keep out those who are really not looking for work.

The general policy at present is to occupy a neutral position in times of strikes. The applicants are notified if there is a labor dispute and then they may go to work or not, as they see fit. Formerly the agencies attempted to take sides in disputes, but this proved disastrous. Every exchange now has a managing committee composed of equal representative of employers and workmen. A chairman who is neither an employer nor a wage-earner represents the city on this committee. Where there is a separate department for a kind of labor that does a large business a sub-committee, constituted the same as the main committee, is appointed to direct the work.

One of the most important departments in the exchanges is that for juveniles. In some cases this department co-operates with the schools. Applications are sent to the school authorities and children about to leave school to go to work fill out the applications in the presence of the teacher. Wherever this co-operation has been tried the exchanges have succeeded in directing many youths into skilled trades who might otherwise have drifted into unskilled employments.

The purpose of these exchanges is to afford a common meeting place for employers and workmen in need of each other. Wage-earners are discouraged from tramping the streets in search of work, and employers are solicited to send their orders to the exchange. In Berlin two buildings have been erected to house the labor exchange. One is for unskilled labor; the other for skilled men, and for women. A great waiting hall is provided where the unemployed may sit and read, or smoke and pass the time in pleasant conversation. When an order for help comes in a clerk steps into the hall and shouts out the kind of work that is available. Those who wish to, apply for the work and they are sent to the employer with cards of introduction.

The Berlin Exchange places annually about 100,000 workmen or over 300 a day. This is done at a cost of about 100,000 marks or less than twenty-five cents per position secured. The Munich Exchange fills about 65,000 positions every year at a cost of 50,000 marks. In all Germany the exchanges place annually about 950,000 workers.

Public Work for the Unemployed.—Most of the German municipalities also conduct public work for the unemployed during the winter months and during dull years. Most of this work, however, is not created primarily for the unemployed. Usually it is necessary public work, such as repairing streets, building dams, extending municipal car lines, building schools, etc., which is purposely delayed until those times when private business operations are least active.

During the year 1909 about 150 cities had work of this kind. The number of men employed varied from a few up to 931 in the city of Düsseldorf. In a majority of the cases the number was less than 100. A few cities employed over 200 men. Most municipalities limited the work to residents and to married men. The work was carried on between the months of November and April, and usually it lasted about three months. The hours of labor varied from seven to eleven, but from eight to ten hours was the usual rule.

The Imperial and State authorities also arrange their work in such a manner that the greatest number of men shall be employed when private industry is dull. It is customary for the government to issue circulars to all the local authorities calling attention to approaching bad times and recommending that public work be increased as much as possible. Following is one of these circulars issued by the Prussian Government on November 12, 1908.

It was addressed to the Presidents of various provinces and was signed by the Minister of the Interior and the Minister of Commerce and Industry:

"The condition of the labor market has during the past month taken such an unsatisfactory course that it appears necessary to adopt special measures for dealing with unemployment in various classes of occupations. The most effective course is for both private persons giving out contracts and above all for public bodies which conduct undertakings themselves or employ workmen in other ways, or which, in order to supply their requirements, must give out contracts by which occupation is provided, to avoid curtailing their undertakings, to increase as far as possible work already commenced, to commence new work as soon as possible, and to give out at once wherever possible contracts for supplying their requirements in the near future, and, so far as is practicable, for providing a reserve. The State and Imperial authorities have issued orders to this effect. A number of communal administrations are to be commended for having also adopted these measures. We request Your Excellencies to bring your influence to bear on the larger and smaller communal groups and on all other public bodies in your province which have not up to the present adopted this policy, to cause them to continue their industrial undertakings to the fullest extent, to commence at once, so far as is practicable, building operations, installation works, and any other work which they propose to undertake in the near future and to give out contracts not only to supply their present material and other requirements in the near future, so that the contractors concerned may avoid curtailing their undertakings. * * *

"We confidently rely on all public bodies to give willing help, each within the limits of their authority, towards overcoming the difficulties arising in our social life, and on their co-operation to the best of their powers and abilities towards this end."

The public work thus afforded, of course, reaches only part of the unemployed, mainly the unskilled. But they take care of most of those who are likely to be left without means of support. The skilled workers generally belong to trade unions in Germany and most of these pay unemployment benefits.

*Insurance.**—Two important experiments have been made in Germany with public insurance against unemployment. Neither of them can be said to have proved successful; but they have pointed out what might be done for certain classes of the unemployed. The City of Cologne established an insurance fund in 1896, designed primarily for seasonal workers. It provides against idleness in the winter only, benefits being paid between December first and March first, and at no other time. About 1,400 working people are insured in this fund, and most of them draw benefits every year. The premiums they pay amount to only about 42½ per cent. of the amount they draw out in benefits. The rest is made up by the city and by voluntary contributions.

In Strassburg the City has adopted the famous Ghent's system of subsidizing the out-of-work benefits paid by the trade unions. This was begun in 1907 and the membership of the unions having such funds is now about 4,000; not all of them, however, are entitled to the municipal subsidy. Several other cities, including Berlin, are planning systems of unemployment insurance, and the Kingdom of Bavaria has already worked out a plan which will soon be put into operation.

VII. REMEDIES.

From our analysis of the causes it must be apparent that no remedies that could be applied would entirely abolish unemployment. We might do away with all that which is due to mere maladjustment, we might train the unskilled to fill the demand for skilled workers, we might reduce the time between jobs, and we might dove-tail the seasonal work for some so that they could go quickly from trades that have become slack to trades that are busy. But when all this had been done there would still remain a large number unemployed. We have seen that a reserve of unemployed labor is necessary for the ordinary development of industry.

This inevitable unemployment is not in itself an evil. For many wage-earners more leisure would be distinctly beneficial. It is an evil only because the idleness is accompanied by worry about a new means of support and by a loss of earnings that the worker can not afford. What is needed is a method of making the wage-earner's income steady and continuous. In few employments is the amount of work done distributed uniformly over the entire year. Every official and salaried person has times when there is very little work for

* See Appendix II, p. 104.

him to do alternating with busy periods; but his income goes on regularly regardless of the fluctuations in the amount of work. For wage-earners generally, however, this is not the case. When work becomes slack, they are discharged and their incomes cease. The reserves, who wait in the police stations and in the fire houses until their services will be needed, receive their salaries as if they were in active service. But longshoremen who wait every day for the ship to arrive, street railway employees waiting for their cars, and the great mass of workers who are needed only in the busy seasons of their trades have their income cut off the moment their active service ends. They are just as necessary to the proper conduct of industry as are the reserves for the proper conduct of the police or the fire department. But the whole cost of maintaining the reserves in industry is thrown upon the workers.

A reserve of unemployed workers being necessary and inevitable in the ordinary course of industrial progress, the most that a comprehensive remedy for unemployment can accomplish is to provide against loss and worry to the wage-earner in cases of enforced idleness, by affording him a steady income regardless of the fluctuations in the amount of his work. Aside from this, remedial measures must be shaped toward prevention, toward eliminating all that unemployment which is due to mere maladjustment and is not inevitable and necessary to the proper conduct and development of our industries.

The two agencies for dealing with the unemployed which it is practicable to adopt in this State at once are the labor exchanges and the shifting of public work to dull times, so that many who are laid off by private employers may thus be employed. There is no reason why these two methods of combatting unemployment should not be successful here as they have been in Europe. No legal or constitutional objection to the adoption of these measures can be made.

It might be argued that labor exchanges are nothing but free employment offices, and we had one in this State which it was deemed advisable to discontinue. But as has already been pointed out, \$5,000 which was the amount appropriated annually for the support of the office was entirely inadequate to carry on the work successfully in a city like New York. The bankers and business men who incorporated the National Employment Exchange felt that it would need an endowment of \$100,000 to make it successful even though it was to charge fees for its services. During the first year and a half of its existence this exchange spent almost \$25,000 in operating expenses alone. The Committee which recommended the discontinuance of the free employment office stated that "functions it now performs can be as well performed by private agencies." With the small capital that it had this was no doubt true, because many of the private agencies have a much larger capital and are able to hire a larger and more efficient office force than the public bureau could afford.

It is to be noted that the State of Massachusetts has established a free employment office which compares favorably with many of the German and British labor exchanges. It has enough of an appropriation to enable an adequate office force to be hired, and politics are kept out by having all employees put under the civil service. There is no reason why such offices should succeed in Massachusetts and not in New York, if we do not handicap our own effort at the start by insufficient funds and a small force incapable of carrying on the work properly.

Very little can be done in the way of providing against the distress of those who are necessarily and inevitably unemployed, until we have adjusted the available demand and supply of labor so that all those shall be employed who are out of work because of mere ignorance of places where work is to be had, or because of inability to get to those places.

Insurance against unemployment cannot be considered in the State of New York until we have much more accurate information than we now possess as to the amount and the duration of idleness in various trades. Then, we should have to have a means of testing a person's statements as to inability to get work. With the exception of the cigarmakers, none of our national trade unions have any out-of-work benefits, and aside from labor organizations we have no other agency in this State which might act as an effective means of applying a work test. Until we establish an exchange for labor and compile carefully statistics of the supply and demand, we can have no adequate basis upon which to predicate a successful system of insurance against unemployment.

We do not feel able to recommend any definite measures for industrial training, not having made a special study of the subject. But we do recommend that the trade and compulsory continuation schools which have been in operation in Germany for about fifteen years and which have done so much to reduce idleness and promote the prosperity and industrial supremacy of that country be made the subject of special inquiry, with the idea of establishing similar schools in this State.

RECOMMENDATIONS.

Public Employment Offices.— To organize the labor market so that unnecessary idleness may be eliminated as far as possible, we recommend the establishment of public employment offices in all the important cities of the State with branches within the cities and in the neighboring country, as may be found necessary. Such offices should be operated as one system and thus create a well known exchange through which the buyers and sellers of labor can make their wants felt.

Following our analysis of causes, we see what a great amount of idleness could be eliminated by such a system of labor offices. They could arrange for the transfer of the surplus of unskilled labor found in the cities to the small towns in which employers complain of a lack of common labor. The establishments in the large cities, too, which complain of a scarcity of common labor would have no difficulty in finding it at the public employment office. Also the idleness of trained workers would not need to exist if we had an exchange for skilled labor. Further, the public employment offices could do much to supply the lack of farm laborers by making it easier for such workers to get employment in the neighboring towns during the winter when the farmers do not need them. Laborers from the city will not go to the farms, among other reasons, because of the short working season. Much might also be done by the public employment offices to reduce the idleness of seasonal workers by finding some of them work in such trades as are busy when their main occupation is suspended.

Finally, perhaps the most important function that these offices could perform would be to reduce the time lost between jobs by the vast number of casual and contract laborers. When a big contract job is completed these employment offices would arrange for the distribution of the workers in a systematic manner to those places and parts of the country where they would be needed. And those laborers who live mainly by odd jobs and have to spend most of their time in hunting for the places where helpers and extra hands are needed, could have supplied to them enough such jobs to give them fairly steady employment through the week.

Directing Children into Promising Employments.— In conjunction with the system of public employment bureaus, and as part of it, we recommend a plan that might accomplish a great deal toward diminishing the over supply of common laborers and meeting the demand for skilled men. We propose that a separate department for juveniles be established in each employment office which shall co-operate with the schools, with employers and with labor unions in order to enlist the services of all who may be useful in accomplishing the end desired. Applications for employment by those about to leave school should be filled out in the presence of the teacher who knows the aptitudes of the boy or girl. The employers and the workingmen should report to the juvenile department the opportunities for young people to learn trades, and they should see that proper training is given. The head of the juvenile department should be an expert capable of judging the fitness of children for the vacancies that he is called upon to fill, and he should aim to direct them as far as possible into callings for which they show a natural bent.

Before a system of industrial training can be established much might be done by this juvenile department to keep boys out of what are known as 'blind alley' employments, places where they earn comparatively high wages as boys but which do not pay enough to support a man and family. Such a juvenile department would have to supplement any system of industrial training which might be devised. It would act as a vocational bureau, such as our educators are advocating to be operated in connection with the public schools.

Public Work For the Unemployed.— Our third recommendation is that public work which our State departments and our municipalities do for themselves or let out on contracts, shall be postponed, as far as possible, to those times of the year and to those years when private industry is least active. In that way the public work could be made to act as a regulator of the labor market and to lessen the amount of idleness. It would be an advantage to the State, not only in lessing unemployment, but also in reducing costs, for during times of depression materials are cheaper.

Great works like the building of the barge canal, improving the highways of the State, or building the aqueducts for New York city should be so planned that the least number of contracts will be let during prosperous years when employment is good and cost of materials high. The work should be carried on mainly during the years of industrial depression, thus giving employment to many laborers. There is much public work, too, especially municipal work, which might every year be held for the winter months and thus afford

employment for many who are laid off by private employers. To create work especially for the unemployed has proved disastrous wherever it has been tried. But to shift necessary public work to times when labor is abundant and materials cheap would mean a saving to the State as well as provision against a large amount of unemployment.

Said Mr. Lindon Bates, Jr., former member of the Legislature and an engineer who has been engaged on great construction works in many countries, at a hearing before the Commission:

"To create work for the particular object of making work is usually believed to be contrary to the rules of sound political economy, and various historical attempts at doing it have seemed to lead into rather dangerous situations. It seems to me, however, that along that line, this might be done; that is, that the great public works which do give employment directly and indirectly to a very large number, might be done in a systematic and intelligent way. For instance, upon the barge canal where I was engaged, a very large number of contracts were let out at a period when we were at the floodtide of good times. I remember going personally to Buffalo trying to get some sailor men to run a dredge, and finding the greatest difficulty in getting labor. I remember going to Syracuse, and trying to get some carpenters, and they were building a new White City, and wages were up to \$8 and \$10 a day. At that time all those contracts were let by the State. Then when the hard times came, the State shut up like a clam and did not let any contracts, and the work that was in progress was all that was carried on; all the other State activities were shut down.

"If a certain amount of that work that is necessary and is contemplated by the State, is reserved, as it were, for hard times, when it is most certainly to the interest of the State to do it, because in periods of hard times, the price of labor and material is depressed; and furthermore, the private contract work is usually let down or decreased, so that a large number of contractors are very desirous of work and will consequently take a far lower price than they would in a period of prosperity that, it seems to me, is as far as one can really recommend going in the creation of work, that is, that it be systematized in such way that the State work is done at a time of those descending waves of hard times."

Labor Market Bulletin.—To carry out this plan it is necessary that prompt, accurate and comprehensive information be available as to the state of employment, the number of wage-earners seeking work and employers needing help. To this end we recommend that the Bureau of Labor Statistics issue a monthly bulletin in which shall be published promptly after the close of each month, reports of the business of the various employment offices, public, private, and philanthropic, together with other information that may be obtained relating to the number of men employed and needed in industry. This bulletin is to do for the labor market what the Federal government reports on the cotton crop do for cotton market and what Dun and Bradstreet's reports do for business in general. Such bulletins are published in Great Britain, Germany, France, Belgium, Canada and many other countries. The bulletins of the New York Bureau of Labor and the Massachusetts Bureau of Statistics do publish statistics of unemployment among members of trade unions. But these are issued only four times a year, and are out of date by the time they reach the public. The "Labor Market Letter" of the Boston Free Employment Office * is the nearest approach, in this country, to what we have in mind. Its sources of information are very limited, however. Such a bulletin should receive reports from all the employment agencies in the State, as well as from employers and from trade unions.

We wish to add that the recommendations we make have all been tried and are in successful operation in various parts of Europe. Labor exchanges have been adopted in all countries. In Munich and in Glasgow the co-operation of the exchanges with the schools in an effort to direct the young people into the skilled trades has been successfully organized for several years, and a plan to do the same for all of England is now being worked out by the Board of Trade. The planning of public work so that it will be done during dull seasons and in times of depression is the settled policy of the German states and municipalities.

VIII. CONCLUSIONS.

Summarizing the results of our investigation, we find:

1. In the industrial centers of this State there is a constant oversupply of labor. At all times of the year, in prosperous years as well as in years of industrial depression, wage-earners able and willing to work can not secure employment.

* See Appendix VI.

2. Existing side by side with this unemployment there is a considerable unsatisfied demand for labor. Employers throughout the State complain that they can not obtain adequately trained workers in sufficient number to meet their needs. Particularly in the country districts is the lack of labor severely felt.

3. This maladjustment between the supply of labor and the demand is due to the absence of any organization to bring together wage-earners seeking employment and employers seeking help. While there are definite organized markets for almost all articles of trade, the buyers and sellers of labor have no common, well-known meeting places where information is available regarding the supply of labor and the demand in various parts of the State and country.

4. Aside from this maladjustment, however, which might be to a large extent eliminated, there are causes inseparable from our modern industrial organization which make unemployment necessary and inevitable. A reserve of labor must be ever present to allow for the extension of industrial enterprises and for new undertakings, to meet the demand of the busiest months in the seasonal industries, and to supply the demand for casual workers, who are needed not steadily, but off and on, for a day, a week, or a month or two. Seasonal industries, the introduction of machinery and new processes, decaying trades, casual labor, commercial failures, and the regularly recurring periods of trade depression keep constantly in involuntary idleness great numbers of our working population.

5. While there is little accurate information available as to the exact number unemployed at any one time, there is enough to show that about 40 per cent. of our wage-earners suffer some unemployment every year, that on the average they lose ten weeks each, and that the loss in wages amounts to 20 per cent. of what the earnings would be were employment steady throughout the year.

6. The effect of this unemployment and loss of earnings is to increase the number of unemployable, those who will not or can not work, the vagrants and tramps. Those who resume work after a period of unemployment often do so at a reduced wage. Children are compelled to contribute to the support of the family. They have no opportunity to learn a trade. They enter the already over-stocked market of unskilled laborers; and when grown to manhood they repeat the experience of their fathers, working intermittently, with earnings insufficient to support a family.

7. The State of New York assumes no responsibility toward workmen out of employment against their will. A number of charitable and philanthropic associations have attempted to deal with the problem, but usually on a small scale and with little success. Private employment agencies are subject to great abuses and tend to intensify rather than diminish the maladjustment between the supply of labor and the demand. There is no adequate machinery in existence for dealing with the problem of unemployment.

8. The unnecessary idleness, we believe, can be very largely eliminated by a system of free public employment offices covering all the State, which will gather the demand from all sections and receive applications from all who seek employment.

9. The general oversupply of unskilled laborers could be considerably reduced by an efficiently organized department for juveniles in the public employment offices, which in co-operation with the school authorities would endeavor to direct children into promising employments. This would have to be followed up by a comprehensive system of industrial education.

10. Finally, the State and the municipal governments can greatly reduce the distress from unemployment by saving their work such as canal and road building, extension of streets, improving parks, etc., for the years of depression when private employers are laying off their help. Public work can be made in this way to regulate the labor market and so make it more steady. In prosperous times when private industry is expanding and employment is plentiful the State and municipal governments should reduce their operations to a minimum, to be pushed forward again as soon as a depression comes.

We feel that much more information than we now possess is necessary before we can take other and more radical measures to deal with this problem. This information we shall have when the public employment officers are well organized and statistics of their operations become available.

APPENDIX II.

REPORT OF HONORABLE GEORGE A. VOSS, CHAIRMAN OF THE COMMITTEE ON UNEMPLOYMENT, OF THE INVESTIGATION PERSONALLY CONDUCTED BY HIM, ACCOMPANIED BY MR. W. M. LEISERSON, INTO EUROPEAN METHODS OF DEALING WITH UNEMPLOYMENT.

In view of the short time at my command I had to limit the study in two ways. First, I decided to devote most of the time to the labor exchanges. The experience of these might be of immediate use in the United States. Other agencies for dealing with the unemployed which had remote possibilities for our purpose, we studied only incidentally. Secondly, I had to confine our visit to two or three cities in each country, and to take them as being representative of the country as a whole. I gathered information, however, about the methods applied throughout each of the countries visited, and our informants were usually officials who dealt with matters on a national scale. I feel able to report therefore on the methods of dealing with unemployment, not alone in the cities which we visited, but also in the countries as a whole.

The success of the investigation was contributed to greatly by the splendid assistance and willingness to aid us in every way possible of the following named gentlemen whom it was our pleasure to meet and become acquainted with, and at whose hands we received most courteous treatment:

In England and Scotland:

Hon. James Galloway Weir, M.P.
 W. H. Beveridge, Director of the National Labor Exchanges in Great Britain.
 Walter S. Cohen, Divisional Officer for London and South Eastern Division of the Labor Exchange Bureaus.
 Mr. Cameron, Manager of the London City Exchange.
 G. W. Taylor, Assistant Clerk of the Central Unemployed Body of London.
 Mr. Bolton Smart, Superintendent of the Hollesley Bay Farm Colony.
 Staff Captain Tunmer, of the Salvation Army, London.
 Ben Tillett, General Secretary, Dock, Wharf, Riverside, and General Workers' Union.
 Mr. Kay, Treasurer, Dock, Wharf, Riverside, and General Workers' Union.
 Harry Orbell, Organizer, Dock, Wharf, Riverside, and General Workers' Union.
 J. S. Middleton, Assistant Secretary of the Labour Party of Great Britain.
 H. Gosling, Member of London County Council and Member of Port of London Authority.
 Thomas Spence, Clerk and Treasurer to Distress Committee, Glasgow.
 Mr. Peterson, Manager of Labour Exchange, Glasgow.

In Germany:

Dr. R. Freund, President of the Federation of German Labor Exchanges, Berlin.
 Dr. O. Becker, Editor of the Arbeitsmarkt, and Secretary of the Federation of German Labor Exchanges, Berlin.
 Dr. R. Kuzynski, Statistisches Amt, Schoneberg, Berlin.
 H. Zoellner, Manager, Labor Exchange, Schoneberg, Berlin.
 Max Steffen, Inspector of Central Association for Labor Exchanges, Berlin.
 Wilhelm Burow, Director of the Berlin Labor Colony.
 Heinrich Moller, Director of the Labor Exchange of the Department of Agriculture at Brandenburg, Berlin.
 Dr. Kose, Manager of the Labor Exchanges of the Federation of Berlin Industrial Metal Workers.
 Johann Sassenbach, Secretary of the General Commission of German Trade Unions.
 Carl Hartmann, Chief Inspector of the Bavarian Labor Exchanges, Munich.
 Michael Weber, Inspector of Labor Exchanges, Munich.
 Dr. G. Kerschensteiner, Superintendent Education, Munich.

In Switzerland:

Emanuel Bohny, Director of the Labor Exchanges in Switzerland, Zurich.
 Hans Griessen, Chairman of Labor Exchanges, Bern.
 Dr. F. Mangold, Chief Statistical Office, Basel.

In Belgium:

Dr. Varlez, President, Labor Exchanges and Insurance Funds at Ghent.
 Charles De Queker, Director of Public Charities, and Secretary of Labor Exchanges and Insurance Funds at Brussels.

In France:

Charles Marck, Treasurer, General Federation of Labor in France, Paris.

GREAT BRITAIN.

I arrived in London on the first of August and immediately got into communication with Mr. William H. Beveridge, the general director of the British Labor Exchange. Mr. Beveridge informed us that we could study in London the business methods of the exchanges, but to see them working at their best I should have to visit Glasgow or Manchester. Those cities have large new offices, while in London the exchanges are in the old buildings in which they were started by the Distress Committees. Further, the London offices are small, there being twenty-two branches in the city. I remained in London for two weeks, and then spent a day in Glasgow making comparisons.

Two laws have in recent years been enacted by the British Parliament in the attempt to deal with unemployment as a problem by itself, distinct from the relief of the destitute under the Poor Law. Both of these laws are now in force. They are the "Unemployed Workmen Act of 1905" and the "Labor Exchanges Act of 1909."

THE UNEMPLOYED WORKMEN ACT.

The Unemployed Workmen Act of 1905 established for the first time in Great Britain public authorities whose duty is to provide employment or assistance for unemployed workmen. In every municipal borough and urban district with a population of not less than 50,000* there is set up a Distress Committee composed partly of members of the borough council, partly of the Poor Law Guardians, and partly of persons experienced in the relief of distress. The committee is required "to make themselves acquainted with the conditions of labour within their area, and also to receive, inquire into, and discriminate between any applications made to them from persons unemployed." When the committee have satisfied themselves that an applicant has been a resident of the district for at least twelve months, that he is honestly desirous of obtaining work, that he is temporarily unable to do so from exceptional causes over which he has no control, and that his case is capable of more suitable treatment under the Act than under the Poor Law, then they are empowered (1) to endeavor to obtain work for him, (2) to assist him by aiding the emigration or removal to another area of himself and any of his dependents, and (3) by providing, or contributing to the provision of, temporary work for him.

The aid given by the Distress Committees is distinguished from charitable relief by the provision that temporary work or other assistance given to a person under the Act "shall not disentitle him to be registered or to vote as a parliamentary, county, or parochial elector, or as a burgess."

Municipal Relief Works.—The Unemployed Workmen Act embodied into law the policy of providing temporary relief works in times of unemployment which had been carried on by a number of municipalities and by a voluntary association in London. This policy had been inaugurated by Mr. Joseph Chamberlain in 1886 when as President of the Local Government Board he issued a circular to local authorities in England and Wales calling attention to the extraordinary amount of distress from unemployment, and urging the authorities to arrange for the execution of works on which unskilled labor might be immediately employed. His idea was to afford work which anyone could perform whatever his trade might be, and thus prevent many worthy men from becoming recipients of charitable relief. The work too was to be of such a character as not to compete with that of other laborers who were employed.

* In Scotland 20,000 and in Ireland 10,000.

Two conditions were laid down by Mr. Chamberlain on which the municipal work should be granted; first, that the men employed should be such as it would be undesirable to treat as subjects for pauper relief; and secondly, that the wages paid be something less than what is ordinarily paid for similar work, in order to leave an inducement for those who take the work to return as soon as possible to their previous occupations.

At first the municipal authorities were not inclined to undertake the provision of this relief work, but with the increasing hard times and the repeated issue of the circular by successive presidents of the Local Government Board, many cities adopted the plan, and from 1886 to 1905 about 100 municipalities had provided relief work for the unemployed during the year of exceptional distress. In London this work has been carried on by voluntary charitable organizations in co-operations with local authorities. The Mansion House Fund which was raised for this work during 1903-4 was devoted to sending men on a farm colony to be trained as well as to give them temporary work. The following year the London Unemployed Fund carried on this plan, and organized a local committee in each borough to register and investigate the applicants, and a central committee was formed to administer the funds and to manage the relief works and the colony. It was this machinery of the London Unemployed Fund of 1904-5 that the Unemployed Workmen Act established under the name of Distress Committees in all towns of Great Britain.

The authorities created by the Unemployed Workmen Act, as we have seen, have power not alone to provide work for the relief of the unemployed, but also to aid them in other ways. The forms in which this aid is given will appear if we describe the operation of the law in London and in Glasgow.

LONDON.

Distress Committees and Central (Unemployed) Body.—In each of the twenty-nine Metropolitan Boroughs of London there is a Distress Committee composed of borough councillors, poor law guardians, and persons experienced in the relief of distress. The membership varies from twenty to twenty-five. Each of these Distress Committees sends two delegates (City of London and City of Westminster from each) who, with other persons selected by the London County Council, and the Local Government Board make up "The Central (Unemployed) Body for London." The total membership in this body is about eighty. They serve without pay but employ paid officers and clerks.

The Distress Committees make themselves acquainted with the conditions of labor within their area, receive, inquire into and classify applications but they do not provide work. They may try to find employment for an applicant, but for relief they must refer him to the Central Body. This body superintends and co-ordinates the action of the Distress Committees, and it has power (1) to establish, take over or assist labor exchanges, (2) aid emigration or removal to another area, and (3) to provide or contribute toward the provision of temporary relief work.

The expenses incurred by the Central Body or by Distress Committees under its orders, are defrayed out of a fund under the management of the Central Body. This fund is supplied partly by levying a local tax, partly by a grant from the national exchequer, and partly by voluntary contributions. The money raised by taxation is available only for certain purposes specified in the law; namely, for establishment charges, labor exchanges, emigration, and acquisition of land by the Central Body. All other expenses, including the provision of relief works, must be met by other funds. It was thought at first that the voluntary contributions would be the main source of supply, but contributions have practically ceased since parliament has appropriated money for relief works. The grant from the exchequer is controlled by Rt. Hon. John Burns, M.P., the President of the Local Government Board and he has not made available as much of it as the Central Body would have liked.

The Local Government Board prescribes the manner in which applications should be made, to the Distress Committees. It has devised a form of "Record Paper" which must be filled out for each applicant. This form contains about fifty distinct questions and covers every phase of the applicant's life, his home, family, work, earnings, character and fitness, ability to support himself, etc. The orders of the Local Government Board further require that each case be thoroughly investigated and all statements verified by visits to the home, employers and other references.

If investigation shows that an applicant is of good character, has previously been regularly employed, has a wife, child or other dependant, and is capable of doing the work which may be obtained for him, he is treated as a "Preference Case." Two other classifications are made — "Eligible Cases" and "Not Deserving."

Number and Character of Applicants.—The registers of the Distress Committees have been open for applications for relief work usually during the winter months, between October and March. The applications received during each of the seasons 1905-6, 1906-7, 1907-8 and 1908-9 appear in the following table:

APPLICATIONS AT LONDON DISTRESS COMMITTEES.

Year.	Men.	Women.	Total.
1905-06.....	35,923	525	36,448
1906-07.....	26,155	1,415	27,570
1907-08.....	29,685	1,796	31,481
1908-09.....	<u>47,731</u>	<u>1,754</u>	<u>49,485</u>

The number who applied in the second year was 24.4 per cent. below that of the first year. The third year there were about 4,000 more applications than in the second year and the applications in 1908-09 showed an increase of 57.1 per cent. over the preceding year. The per cent. that women made up of the total was:

1.75 in 1905-06
5.5 in 1906-07
5.7 in 1907-08
<u>3.5 in 1908-09</u>

A considerable number of those who apply and are assisted each year have been assisted in one or more previous years. Five per cent. of the applicants in 1908-09 had applied in all three of the preceding years, and four per cent. of those who were assisted in the last year had received assistance in each of the three preceding years. Of the total applications in 1908-09 over six per cent. had applied in two preceding years and 22.3 per cent. had made applications once before. Of those assisted in 1908-09 over seven per cent. had been assisted once before and ten per cent. had received assistance in two of the preceding years.

TABLE SHOWING RE-APPLICATIONS TO DISTRESS COMMITTEES, ALSO NUMBERS
RE-ASSISTED.

Total applicants, 1908-9.....	49,485
Of which there had previously applied in 1905-6.....	2,289
Being 4.6 per cent.	
Of the total applicants in 1908-9 there had previously applied in 1906-7.....	2,168
Being 4.3 per cent.	
Of the total applicants in 1908-9 there had previously applied in 1907-8.....	6,654
Being 13.4 per cent.	
Of the total applicants in 1908-9 there had previously applied in 1905-6 and 1906-7.....	1,403
Being 2.8 per cent.	
Of the total applicants in 1908-9 there had previously applied in 1906-7 and 1907-8.....	1,658
Being 3.3 per cent.	
Of the total applicants in 1908-9 there had previously applied in 1905-6, 1906-7 and 1907-8.....	2,653
Being 5.3 per cent.	

Of the 49,485 applicants in 1908-9, 724 had been assisted in 1905-6, being 1.4 per cent.
Of the 49,485 applicants in 1908-9, 601 had been assisted in 1906-7, being 1.2 per cent.
Of the 49,485 applicants in 1908-9, 2,286 had been assisted in 1907-8, being 4.6 per cent.

Of the 49,485 applicants in 1908-9, 272 had been assisted in 1905-6 and 1906-7, being .5 per cent.

Of the 49,485 applicants in 1908-9, 266 had been assisted in 1906-7 and 1907-8, being .5 per cent.

Of the 49,485 applicants in 1908-9, 230 had been assisted in 1905-6, 1906-7 and 1907-8, being .4 per cent.

The trades of the applicants and the proportion who professed to have trades are shown in the following:

COMPARATIVE TABLE SHOWING PERCENTAGE REGISTERED IN EACH TRADE.

TRADES.	Per Cent of Total Registrations.			
	1905-6.	1906-7.	1907-8.	1908-9.
Building	40.5	32.5	31.6	34.1
Metal	5.0	6.75	7.2	7.3
Printing and paper	.75	1.0	.8	.9
Dress	1.75	1.5	1.2	1.3
Woodworkers	4.5	3.0	3.0	2.9
Sundry manufactures	1.5	1.75	1.6	1.7
Food and drink	2.0	2.0	2.3	2.6
Dealers and clerks	1.75	1.5	1.5	1.4
Locomotion and transport	39.0	47.0	48.0	44.4
Civil and municipal	.25	.25	.36	.7
Service	1.5	1.5	1.2	1.3
Unclassified	1.5	1.5	.78	.6
Described as laborers or unskilled .....	.....	48.3	46.8	67.5

Of those who applied each year about half were unskilled laborers except during 1908-9, when 67.5 per cent. belonged to this group. This increase of 20.7 per cent. over the preceding year was probably due to the great industrial depression. Aside from this change the proportion in each trade remained about the same every year. Building and transportation furnished the bulk of the applicants.

The following table gives the age and distribution of unemployed applicants registered throughout London, as compared with the occupied male population of London as estimated in 1908. It will be noticed that the great number of occupied males (29.2 per cent.) are in the age group from 15 to 24 years. Of the unemployed a very small proportion (from 6 to 10 per cent.) are in this group. It is evident that the age distribution of the unemployed shows a larger proportion in the older age-group than appears in the normal distribution. The distribution of the unemployed during 1908-9 is more like the normal because of the industrial depression. Unemployment was more diffuse and the distribution approximated more the characteristics of the normally occupied.

AGE DISTRIBUTION OF UNEMPLOYED.

AGES.	Percentage of total occupied males in age-group.	PERCENTAGE OF UNEMPLOYED IN EACH AGE-GROUP.		
		1906-7.	1907-8.	1908-9.
15-24	29.2	8.8	6.0	10.1
25-34	26.8	20.4	18.7	28.2
35-44	20.2	24.2	25.4	29.7
45-54	13.7	22.4	24.5	21.7
55-64	7.6	15.5	17.0	8.9
65-74	2.5	8.7	8.4	1.4
	100.0	100.0	100.0	100.0

Provisions of Work.—Of the total who applied at the Distress Committees each year, one-fourth were given work in 1905-6 and 1907-8; one-fifth in 1906-7; and about thirty per cent. in 1908-9. The actual numbers for three years follow:

Year.	PERSONS PROVIDED WITH WORK.		
	Men.	Women.	Total.
1906-7	5,432	308	5,740
1907-8	8,430	359	8,789
1908-9	14,687	334	15,021

The number who were eligible for work each year were of course much greater than these. Even all the "preference" cases could not be taken care of. A considerable number of applicants refused to take the work that was offered to them.

The work which is provided by the Central (Unemployed) Body is of two general kinds: first, temporary work in and about the city, for which wages are paid directly to the men; and secondly, "Colony Works," which may be either a permanent farm where successive relays of men are sent, or temporary colonies where men are housed until work is furnished. In either case the wages of the men are paid to their families. Besides these, there are three workrooms for women. Each of these classes of work is under the management of a special committee of the Central Body.

Non-colony Works.—The "Works Committee" at the commencement of every season invites the local authorities and the National Office of Works to co-operate with it in order to provide schemes for the employment of men who register at the various Distress Committees in London during the winter.

This co-operation is usually secured. In 1908-9 there were 87 distinct schemes carried on. The aim is to do only such work as would not otherwise be done, in order not to take away employment from others. But in this the Committee can not always succeed. The work done usually consists of "laying out recreation grounds, tennis courts and bowling greens, tree planting, making and widening paths and roadways, diverting streams, and constructing concrete culverts, drainage work, filling in ditches, laying sewers, building manholes and gullies, erecting fences, levelling and general ground work of every description."

During 1908-9 there were 7,292 men employed on these non-colony works. The period of employment was usually from seven to ten weeks per man. The hours of employment are eight and one-half per day and the wage paid is the regular rate for such work, 6d. per hour. The original plan was that the wages paid should be below the normal rate in order that the workman should have an inducement for resuming his usual occupation. There was much protest against this and the Local Government Board issued an order that the prevailing rate of wages be paid, but the hours were less than the normal working day. In this way a man's total earnings would still be less than he might secure in private employment.

Colony Works.—The various colony schemes of the Central (Unemployed) Body are in charge of a "Working Colony Committee." The work of this committee consists of the organization and management of works situated so far from London, that the men employed do not return to their homes daily, but have to be accommodated on or near the works. One permanent colony is maintained at Hollesley Bay, about two hours by rail from London, which in times of exceptional distress can accommodate 350 men. Temporary employment at unskilled work is given to successive relays of men, and out of these the most promising are selected for a more prolonged period of training. Besides Hollesley Bay about half a dozen temporary colonies have been maintained by the Working Colonies Committee from time to time.

A detailed description of Hollesley Bay is given below. The number of men who were employed at temporary work on the Colony from July 1, 1907, to June 30, 1909, was 2,102. The average period of employment was 11.6 weeks per man. The temporary colonies do not give employment to so many men. From 1906 to 1909 about 600 men were given temporary work, the periods of employment ranging from three to sixteen weeks.

On all the colonies except in the case of families actually residents of Hollesley Bay for agricultural training, the conditions of employment are the same. The men receive board and lodging and an allowance of 6d. per week, while allowances based on the size of the family, but in no case more than 17s. 6d. per week, are paid to their families in London.*

* "The Central (Unemployed) Body for London.

Temporary Colony.

Conditions as to Payment and Dismissal.

The men will receive board and lodging and, in addition, the sum of 6d. per week for incidental expenses.

Allowances will be paid weekly to the families of the men at the following rates:

10s. for the wife.

2s. for the first child under 14.

1s. 6d. for the second child under 14.

1s. each for other children (only children under 14 years of age being reckoned).

Deductions will be made for other earnings at the following rates: Earnings of wife, one-third such earnings; of children one-fourth such earnings.

In no case will more than 17s. 6d. be paid.

I agree to accept the above conditions as to payment and to my being instantly dismissed from the Colony for slacking, breaches of discipline, or any other reasons."

Women's Workrooms.—The "Women's Work Committee" maintains three workrooms in London which accommodate 40 women each. The work consists of tailoring, men's underclothing and women and children's clothing. The following table analyzes the cases dealt with during two years:

	Year ending June, 1908.	Year ending June, 1909.
Applications received.....	680	657
Rejected, unsuitable for work.....	59	30
Accepted for work.....	621	627
Actually put to work.....	359	334
Not provided with work.....	148	214
Offered but refused work.....	114	79

It thus appears that from one-fourth to one-third of the women who were eligible for assistance could not be provided with work.

The wages of those employed in the workrooms are: "10s. a week with an additional allowance for children under 14 years of age of 2s. per week for the first child, 1s. 6d. for the second child, and 1s. for any other, in no case more than 17s. 6d. a week being paid. Deductions are made on account of the earnings of the children, at the rate of one-fourth such earnings. A dinner to the value of 6d. is provided each day, and fares to the workroom are allowed where they exceed 2d. per day, in every such case a maximum contribution of 2d. per day being made by the woman herself."

The Women's Committee has found great difficulty in disposing of the products of the workrooms. At first the goods were disposed of to the families whom the Central Body aided to emigrate from England. The number of emigrants have decreased so much that this outlet has been much reduced. For a time certain charitable institutions took the products, but this was stopped by the Local Government Board. Free grants of clothing to the Children's Care Committees have been made during the last year.

The Women's Work Committee recommended the establishment of a farm colony for women, a site for which could be purchased for £3,000. It was proposed to train women in fruit growing, jam making and fruit preserving, hand laundry, poultry rearing, egg production and bee keeping. This scheme was not approved by the Local Government Board. A plan for establishing a training center for women in London was also turned down by the Board.

Emigration.—An Emigration Committee of the Central (Unemployed) Body takes charge of all those applicants who express a desire to emigrate from England or to move out of London to other parts of Great Britain. The work of this Committee in aiding emigrants is summarized in the following table:

REGISTERED AT CENTRAL OFFICE.—EMIGRATED.

SEASON.	Cases.	Approximate number of persons.	Cases.	Persons.	Approximate cost.		
					£	s	d
1905-6.....	1,847	5,541	680	2,216	16,851	7	9
1906-7.....	2,813	8,842	1,800	5,415	38,613	17	11
1907-8.....	711	2,133	123	360	4,187	18	9
1908-9.....	634	1,272	170	286	3,264	1	4
Totals.....	6,005	17,788	2,773	8,277	62,917	5	9

The emigrants were sent abroad partly in co-operation with charitable emigrant aid societies, and in part directly by the Central Body. During the first two seasons most of the families were emigrated to Canada. The depression of 1907-8 affected the labor market of that country, and the Canadian government placed restrictions upon immigrants who were assisted by public or charitable funds. This caused the great falling off in 1908 and 1909, and the main outlet for emigrants has now been cut off.

Labor Exchanges.—While the employment registers of the Distress Committees in the Provinces recorded practically none but applicants for relief, in London the Central (Unemployed) Body organized 25 local labor exchanges with a central office to serve as a sort of clearing house. This work was kept distinct as far as possible from the relief work

of the Distress Committees, and proved to be the most successful part of the Unemployed Workmen Act. The object was not relief, but to bring together employers and workmen needing each other. While the work of the exchanges grew steadily from year to year, it was handicapped nevertheless by its connection with the relief work. Employers feared that the applicants were incompetent, while workers did not want to be regarded as asking for charity. These exchanges have now been taken over by the Board of Trade and are managed as apart of the Local Department. They will be described under the "Labor Exchanges Act, 1909."

Finances.—An idea of what it costs annually to carry on the work in London may be had from the following statement of receipts and expenditures for the fiscal year 1908-9.*

<i>Receipts.</i>	<i>Expenditures.</i>
From taxes..... £23,186	Cost of work provided:
Parliamentary grant..... 105,012	On farm and labor colonies..... £27,213
Repayments for work done..... 12,793	Otherwise 88,060
Voluntary contributions..... 70	Administrative expenses†..... 28,139
Other receipts..... 6,637	Emigration and migration..... 5,107
	Other expenditures..... 4,985
<u>£147,698</u>	<u>£153,504</u>

About \$750,000 was spent in London during the year ending June 30, 1909. About 40 per cent. of the administrative expenses went for labor exchanges, but since these were taken over by the Board of Trade this expense is no longer incurred. The cost of relief works for the unemployed increased from about \$350,000 (£70,594) in 1905-6, to \$575,000 (£115,273) in 1908-9. The last year was exceptional on account of the great industrial depression.

Hollesley Bay Farm Colony.—The agricultural training colony at Hollesley Bay was originally established by the Central Committee of the London Unemployed Fund in February, 1905. It is situated in Suffolk about 60 miles from London. The area of the estate is 1,300 acres and consisted at the beginning of 600 acres of arable land, 250 acres of heath, and the rest pasture, woodland and grounds. It was occupied formerly by an agricultural college and on it were buildings with living and sleeping accommodations for about 350 persons.

The estate was bought by Mr. Joseph Fels, an American, and leased to the London Unemployed Fund at a nominal rent. In December, 1905, the Central (Unemployed) Body of London bought the estate of Mr. Fels at the original cost price.

The programme which was laid down for development in this colony was stated to be:

- " 1. The provision of special work for periods of exceptional distress.
2. The provision of more continuous work for men who are not only in exceptional need of work, but who either have already worked upon land, or show a marked aptitude for country life.
3. The establishment of suitable men and families in agricultural or other rural industry — in various forms, e. g., ordinary farm situations, market gardening, small holdings or emigration."

A superintendent directs the work of the colony and he is assisted by a staff who have had practical experience in farming, market gardening, building construction and estate repairs. There is also a salesman who attends to all negotiations with regard to the sale of the produce. All the work on the farm is done by the unemployed sent out from London under the direction of these experienced men. There is fruit growing, dairying, ordinary farming, reclaiming land, fencing, gardening, keeping the grounds, etc.

For this work the men receive board and lodging and twelve cents a week spending money, while allowances from \$2.50 to \$4.50 per week depending on the size of the family are paid to their wives in London. Only family men and "preference" cases are sent to Hollesley Bay. Each colonist is required to sign a statement agreeing to conditions of payment and to the rules of the colony. Breach of the rules renders the offender liable to instant dismissal. The rules are simple and few. No man is permitted to bring liquor on the premises, and no drunkenness is permitted; but he is free to go to the saloon in the neighborhood village if he wants to. He is advised not to hang out there, and if he comes

* The receipts and expenditures in the Provinces are about half of that of London.

† The administrative expenses in which is included the cost of labor exchanges increased from about \$70,000 (£14,595) in 1905-6 to \$140,000 (£28,139) in 1908-9.

back under the influence of liquor he is immediately dismissed. The men go to the saloon quite freely, but very few cases of drunkenness have occurred.

The capacity of the colony is 350. During the winter it is occupied to the full capacity, but in the summer months the number falls to about 100. In a year about 100 men pass through the colony. They are permitted to stay for sixteen weeks, but the average length of residence for all the colonists during the year is a little over nine weeks. At the end of every month they are free to visit their families and to look for work for two days. The railway fares are paid by the Central Body. The men are housed in the dormitory formerly used by the agricultural college. There is a large dining-room which is turned into a concert hall every Saturday night, game rooms, shower baths, etc. These are on the first floor. Here they are free to lounge and smoke after working hours. The men are also free to go and come from the buildings, in and around the grounds to suit themselves.

The colonists elect their own governing committees, entertainment committees, etc. These arrange the concerts and make rules for the use of the game rooms. In winter the superintendent lectures on general subjects, history, science, literature. The farm manager gives talks on agriculture, and other experts talk on various subjects. Attendance is entirely voluntary but most of the men come, ask questions, and intelligently discuss the problems put up to them. It is remarkable what can be accomplished with these casual laborers, a class of population generally regarded as hopeless.

It is to be noted that this colony is entirely voluntary. The men do not have to come, and they cannot be kept against their will. They may go when they please. The aim of the superintendent is to make the work interesting enough to keep the men there. Considering the character of the men, he seems to have succeeded well in this, and discipline, too, has been remarkably good. "The average colonist arrives at the colony in anything but a normal condition. He is a married man who has lived in London his whole life. For weeks and often month after month he has suffered constant pain in witnessing the gradual disposal of his home, and the sufferings of his wife and children, and whilst this fact must not be ignored (the man needs help as much as he needs work), in the majority of cases I find that the London man is quick and keen to acquire knowledge and skill to do all kinds of garden work, and eventually becomes successful at his job."

Very few of those who come to the colony want to go back to London. Yet there is no easy life to induce them to stay. On the contrary, the work is hard and the regular hours is still harder on this class of people. The routine begins at 5:30 a. m. when all must get up. At 6 they go to work. They may have a cup of tea or coffee provided they get it by five minutes to 6. At 8 there is half an hour for breakfast. From 12 to 2 is dinner. Then there is work till 4 or 5 varying in winter and summer. After supper the men's time is their own to do as they please, but all must turn in at 9 p. m. Besides the hard work the man is separated from his family and he is far away from the attractions of the city. But most of those who come beg to be allowed to stay when their time is up. A few have not been able to stand the quiet, regular life and have left shortly after coming. A few others had to be sent back; but on the whole those who come want to remain.

In the following table the reasons for the men quitting the colony are given. Misconduct and dissatisfaction accounts for but a small proportion. The majority leave because their time is up, or because they have found work.

REASONS FOR LEAVING OF MEN AT HOLLESLEY BAY.

REASONS.	JULY 1, 1907 TO JUNE 30, 1908.		JULY 1, 1908 TO JUNE 30, 1909.	
	Number.	Per cent.	Number.	Per cent.
Time expired.....	372	38.6	514	48.9
Found work.....	172	17.8	216	20.5
Did not return from furlough.....	111	11.5	66	6.3
Trouble at home.....	23	2.4	28	2.6
Misconduct.....	34	3.5	27	2.6
Sickness and medical attendance.....	80	8.3	60	5.8
Unfit:.....	17	1.8	15	1.4
Emigration.....	9	.9	9	.9
Own accord.....	35	3.7	40	3.8
Dissatisfied.....	13	1.4	5	.5
Migration.....	25	2.6	8	.7
Drink.....	8	.8	17	1.6
Discharged (various reasons).....	47	4.9	46	4.4
Deceased.....	2	.2	.....	.....
Reduction of numbers or completion of work.....	16	1.6	.....	.....
Totals.....	964	100.0	1,051	100.0

In order to make the colony an actual training ground for small farm owners, cottages have been erected, each with half an acre of ground about them. There are twenty-five of these cottages occupied by London men and their families, who have been selected as most suitable for the work. The houses are designed purposely for the work in hand and are built by the colonists. It is planned to have fifty cottages in all. The occupants are called "settlers" to distinguish them from the others who come to the colony for shorter periods. A "settler" works as do the other colonists, and his pay is \$3.75 (15s.) per week together with the free use of the cottage and plot. The gardens about the cottages are worked by the women and children of the settlers and by the men after the regular working hours. The produce is all their own. A co-operative buying and selling association has been organized among the settlers, and thus they learn the principles of dealing with each other and with the world on this basis.

It is proposed that after they had received sufficient training at the colony, they be settled on small holdings of their own, and thus make room for more families to be trained. The difficulty here is: How are the trained families to acquire the small holdings? The plan of the Central (Unemployed) Body is to purchase land and lease it in small parcels to the trained families, but the Local Government Board refused to sanction this.

As matters now stand the colony can not be said to be accomplishing very much. The agricultural training is of little use because there is no outlet to the land. Further, the three purposes for which the Colony was established do not go well together. Training for agriculture is interfered with because the Colony has to be used to give work to the needy and deserving families whether they are suited to country life or not. During the short periods at the Colony, the good food, good air and steady work make the men stronger and healthier and a little better trained, and their families are improved by the steady income. But when the men return to the city and are unable to obtain steady work the family drifts back to its former condition, the home deteriorates, and little has been gained.

The experience with the settlers, however, has proved what a great deal might be accomplished if only there were an outlet to the land. The cottages and the gardens occupied by those who failed to support themselves in London show how capable these families are of improvement when they are given the opportunity. Although the settlers are taken from the most miserable poor of London's population, the unskilled, casual laborers, after being trained at the Colony and settled on the half acre lot, they become efficient gardeners and self-respecting families. The five-room cottages are neatly and cleanly kept, and the gardens would do credit to any American farmer. The families take pride in keeping their gardens well.

The Central (Unemployed) Body points out that although training at the Colony fails to accomplish its purposes, the cost of dealing with the men and their families at Hollesley Bay is very much cheaper than would be the case were they dealt with under the Poor Law. In the latter case the families would be entirely broken up and they would have to enter the workhouse. The colony, too, offers an efficient test of the man's willingness to work. Hollesley Bay is, of course, not a paying proposition. Criticism is often heard on the ground that the work of the men does not pay enough for its support. To this the superintendent replies: "If unemployed labor could be profitably employed it would not have to remain idle. Private enterprise would take it up at once." The question is whether it pays the state to spend more money administering the Poor Law which breaks up the families than to spend less and to make self-respecting families.

Mr. Bolton Smart, the superintendent at Hollesley Bay outlined to us the requirements of the farm colony system of dealing with the unemployed, in order that it might be wholly successful. There should be three kinds of colonies, with the hope of promotion from one to the other held up to the men. Promotion and selection within one colony is bad. It leads to jealousy and bad feeling of all kinds.

At the top of the system there should be a voluntary farm colony such as Hollesley Bay was proposed to be. Here the best men from the lower colonies and the best of the unemployed men should be trained in agriculture. For the successful ones the promotion should be a small farm. This he can work by getting credit from the government which ought to establish agricultural credit banks for the purpose. To let the individual own the land would be bad, according to Mr. Smart. Ownership should be retained by the government and let out to the families at reasonable rates and credit enough to work the land. This system the Liberal Party has practically promised to establish (i. e. the Small Holdings and the Credit Banks).

Below the highest class colony there should be another with more strict rules to which those who are not so worthy and not particularly fit for small holdings might come. This also should rest on a voluntary basis, men who were dismissed from class I colony or were

ineligible to it might come here. The best of the men from this class II colony should be given as promotion a chance to enter class I colony.

Finally, class III should be a penal colony in which those who are wilfully unemployed, vagrants and tramps could be sent. To these also should be held up the opportunity of entering class II if they deserve it.

Coupled with this system must go an extensive system of labor exchanges and compulsory registration. Those for whom there is work will be placed by the exchanges. Those for whom there is no work will be eligible for the colonies. Every unemployed person, however, must be compelled to register with the exchange, otherwise the problem can never be really known. If after registering a person has an opportunity given him to go to the colonies and he still refuses to work and becomes a charge, he should be sent to the penal colony.

Copy of the Conditions of Employment obtaining at the Hollesley Bay Colony, Suffolk. Conditions of other colonies are identical with these with the exception of paragraph 2, dealing with the nature of the work.

"THE HOLLESLEY BAY LABOUR COLONY.

TERMS AND CONDITIONS OF EMPLOYMENT.

1. *Period of Employment.*—The men are to be employed at Hollesley Bay, near Woodbridge, Suffolk, for continuous periods of one month. The offer will be repeated for successive months at the discretion of the Central Body.

2. *Nature of Work and Class of Men Required.*—Hollesley Bay is primarily an agricultural training colony. There is, however, a large amount of less skilled work.

3. *Conditions as to Payment.*—The men will receive board and lodging at the Colony and, in addition, the sum of 6d. per week for incidental expenses.

Allowances will be paid weekly to the families of the man at the following rates:

- 10/ for the wife.
- 2/ for the first child under 14.
- 1/6 for the second child under 14.
- 1/ each for other children (only children under 14 years of age being reckoned).

Deduction will be made for other earnings at the following rate: Earnings of wife, one-third such earnings, of other children one-fourth such earnings. In no case will more than 17/6 be paid.

Each man will be required to sign a statement agreeing to these conditions.

4. *Monthly Furloughs.*—The men will be free to return at the end of the month for about two days to visit their homes and to look for work, during which time the payment to the families will continue (see also section 10). They will also be free to leave the colony at any other time, but unless they show good reason for so leaving, their places will not be reserved for them.

5. *Rules of Colony.*—The men will be required to observe certain rules which have been decided on in the interests of the general discipline. These include:

- (a) Prompt obedience to orders;
- (b) Sobriety;
- (c) Observance of appointed hours.

Breach of rules will render the offender liable to dismissal.

6. *Cleanliness and Freedom from Infection.*—The men must be free from infection and must go down clean.

7. *Clothing and Boots.*—It is necessary for the men to have a change of clothing at the Colony. It is recommended that wherever possible each man should take two shirts. Failing the possession of a second shirt by the end of the first week, a shirt will be issued from the Colony stores, and the cost (2/6) will be charged in weekly installments.

Other clothing is obtainable at the Colony and chargeable in the same way.

Boots will be supplied on loan to the men when they arrive. Their own boots will be returned to them when they leave. The boots are purchaseable in the same way as the clothing.

Each man will be responsible for his own personal washing.

8. *Railway Fares.*—The fares of the men from Liverpool Street to Melton Station and back will be paid by the Central Body."

GLASGOW.

In Glasgow there is but one Distress Committee composed of fifty members. Sub-committees under this carry on the various kinds of work, such as the labor colony, relief works, emigration, and finance, which in London is done by the Central Body. There is a sub-committee which decides on all cases of granting work which receives advice from the paid clerk of the Distress Committee. If the clerk disagrees with any decision relating to the granting of work he may appeal the case to a sub-committee specially created to listen to appeals.

At the time of our visit in Glasgow (mid-August) there were no relief works being carried on except at a farm colony, which employed at the time about 100 men. Few applications were being received, but this, we were assured, was no index of the amount of unemployment. The applicants do not come unless they know that relief works are carried on.

When a person calls at the Distress Committee for relief, he is asked if he has been at the Labor Exchange and his record is inquired into. Applications to the Distress Committee may be made in any public building in the city. Forms left for the purpose are collected by the Distress Committee. The applicant is then required to make out the more detailed record paper prescribed by the Local Government Board. This is in three parts, as in London. The references are visited and later the homes. Then the case comes before a committee and the recommendation of the investigator is made by the clerk. Appeal may be made as mentioned as above. The Distress Committee which formerly managed the Labor Exchanges keeps in constant touch with it now. Should a person's record be bad there, he would get no relief work.

The experience in Glasgow has been much the same as in London. The number of applicants for relief almost doubled from 1907-8 to 1908-9. There were 7,906 in the first year and 14,001 in the second. Of the latter 10,022 were new applications. Fifty-five per cent. of the applicants were qualified to receive work; for 220 no work could be secured, and 534 refused to accept the work offered them. As in London, the unskilled casual laborers form the majority of those who apply. During the year 1908-9 a larger proportion were skilled workers than in any of the previous years. About 2 per cent. are women.

The Glasgow Distress Committee maintains a labor colony at Palacerigg about forty miles from the city. This was intended to be an agricultural training station like Hollesley Bay, but the difficulty of providing work for the unemployed has compelled the committee to send large batches of men out to the colony every day for temporary work. There is room for about 150 residents at the colony. The resident colonists are kept apart and at separate employment from the relief workers, but the work of training for agriculture has been hampered by the presence of the latter. There are no permanent settlers at Palacerigg but the managers are very desirous of securing land on which those who have been trained at the colony might be settled on small holdings. For this purpose the Distress Committee asked to buy an island which the City of Glasgow owns on the west coast of Scotland, but the City refuses to sell.

The colony is accomplishing little in the way of training. It serves mainly as a means of supplying relief work. During the winter from 600 to 800 men are employed on it daily at road making, draining, trenching, construction of a railway siding and general farm improvement. In the City the main relief work has been snow removal and improvement of parks.

The regulations at Palacerigg and the conditions of employment on all relief works are similar to those in London. The total wages paid to relief workers during 1908-9 was about \$163,000 (£32,623) and the total cost of the work done was about \$217,500 (£43,553), while the value of the work done was \$34,000 (£6,525), while the value of the work done therefore amounted to but 20 per cent. of the wages paid and 15 per cent. of total cost of the work.

During the last year a women's workroom has been opened in Glasgow, capable of accommodating fifty-four women. The number employed thus far has not exceeded twenty-four. The work consists mainly in making and mending clothing for the colonists at Palacerigg. Eight shillings per week are paid to all women employed at the workroom. It was feared that if the scale of allowances to wives of resident colonists were adopted, i. e., 8s. for women and 1s. 6d. for each dependent child, it might induce women actually employed to relinquish that and to apply for admission to the workroom.

The sub-committee on emigration suspended operations last year. This emigration work had been carried on in co-operation with the Salvation Army. Fares were advanced to Canada but nothing was ever heard of the men who were emigrated. The agents of the Army did not visit them in Canada to collect periodical payments as they had promised to do.

Money for the work of the Distress Committee in Glasgow is obtained with less difficulty than in London. In 1908-9 the total income was over \$270,000 (£54,000). The average daily number of men given employment was 903 and the average of their dependents was 3.8. About \$5.00 per week (21s. 6½d.) was the average expenditure in each case, including man, wife and children.

RESULTS OF THE UNEMPLOYED WORKMEN ACT.

The officials who are carrying on the work under the Unemployed Workmen Act are quite frank in confessing the failure of the law in all things that it set out to do, *except the labor exchanges*. The experience gained under the Act, however, has been most useful in pointing out the measures needed to deal adequately with the problem of unemployment.

Temporary relief works, we are told, are useless as a permanent remedy for unemployment. The same men return year after year to the Distress Committees for employment. The work they do is never satisfactory. What is needed is work under the ordinary conditions of employment, and the Central (Unemployed) Body are unable to offer either the proper sort of work or the proper amount of it.

Relief work fails to attract the best type of unemployed. The deserving strong, useful workmen temporarily out of work, for whom the Act was undoubtedly passed, are not reached. For the most part the operations reach only those deficient in physique or capacity to work.

Colony work, the Central Body reports, can not be made of real and permanent benefit unless special colonies are provided for different classes of men, and an outlet for those who are trained.

"A very large proportion of those with whom the Central Body had to deal are hardly capable enough to obtain work for themselves by reason of their lack of training for anything definite than purely casual labor; and if they are to be made really efficient, some system of training is an absolute necessity. Some of the work provided should be of a nature to supply this need."

The most successful part of the work was that carried on by the labor exchanges. The Central (Unemployed) Body for London reports to the Local Government Board that the experience "Shows conclusively that it is impossible to deal adequately with unemployment by local authorities. That a State Department should be set up and organized National Labor Exchanges throughout the country; and that, in addition to providing means for registering the unemployed, the exchanges should act as a means for discovering where work existed, and also for finding out as far ahead as possible when and where bad trade might be coming."*

LABOR EXCHANGES.

The Labor Exchange Act was passed by Parliament in September, 1909. It met with practically no opposition. Experience under the Unemployed Workmen Act showed its necessity and both the majority and the minority of the Royal Commission on the Poor Laws had recommended a national system of labor exchanges. The first exchanges were opened in February, 1910, so that their results could hardly be judged at the time of our visit which was only six months later.

The law on which the system of exchanges is based (Appendix V) is very simple, merely giving general powers to the Board of Trade to establish, take over, and maintain labor exchanges, and to make regulations for their management. Any regulations so made have the effect of law. Two sets of regulations have thus far been made under the act (Appendix IV). The first was general, relating to registration, policy in time of strikes, advances of transportation, advisory committees, etc. The second related particularly to juvenile applicants for employment. The number of exchanges and where they were to be located was not fixed. This too was left to the Board of Trade.

The Labor Exchanges are conducted by the Labor Department of the Board of Trade. The president of the latter is a member of the cabinet, Mr. William H. Beveridge, the director of the exchanges is a subordinate of the head of the Labor Department. All the expenses are paid out of parliamentary funds.

There is a central office in London which directs the work of the whole system of exchanges. Its work is purely that of organization and administration. Mr. Beveridge

* Several reports have been issued describing the operations of the Unemployed Workmen Act. See "Return as to proceedings of Distress Committees in England and Wales . . . during the year ended 31st March, 1908." Also reports of the Central (Unemployed) Body for London, "Preliminary Report to May 12, 1906." Second report, from May 12, 1906, to June 30, 1907, and third report, from July, 1907, to June, 1909. (P. S. King & Son.)

presides over the central office and under him there is a general manager and a woman supervisor whose activities cover the whole country. The country is divided into eleven divisions, each under the control of a divisional officer whose office acts as a clearing house to arrange the transfer of workers from one part of the country to another. The divisional officers are the responsible heads in each division and the selection of the office force is left in their hands. All appointments, however, must be passed on by the Director and approved by the President of the Board of Trade.

For convenience the officers are roughly classified into five main grades according to the population of the towns in which they are situated:

- Class A. Cities over 100,000.
- Class B. Cities 50,000 to 100,000.
- Class C. Cities 25,000 to 50,000.
- Sub-offices. Suburban districts.
- Waiting-rooms. For dock workers.

Up to June 1st no exchanges have been opened in towns less than 50,000. In general it has so far been the plan to have one exchange for about 100,000 people in the provinces, and one for every 300,000 in London.

The classification provides that Class A shall have a staff of eight, Class B five and Class C four. The largest offices have normally a manager, assistant manager, four registration clerks, a messenger, and a caretaker. The sub-offices will be under the supervision of a manager in a neighboring city, and will have an assistant manager, a clerk and a messenger. Class C exchanges are to have but two waiting-rooms, one for men and one for women, while in Class A exchanges provision is made for separate departments for skilled and unskilled men, skilled and unskilled women, boys and girls. These rules relating to grades of offices are not absolute. They are modified as conditions in each locality require.

The salaries for the employees in the various offices are graded as follows:

Divisional officers.....	£400 to £600 per annum.
Managers, Class A.....	250 to 350 per annum.
Managers, Class B.....	200 to 250 per annum.
Managers, Class C.....	150 to 200 per annum.
Assistant managers.....	100 to 150 per annum.
Clerks.....	60 to 90 per annum.

By August 120 labor exchanges had been established. The employees in these (from 600 to 700) were appointed by a special commission selected for the purpose and they are probationary civil servants until examinations for this service can be arranged. Then all appointments will be made after civil service examinations.

The eleven divisions and the number of exchanges in each that have been established as well as those that it is planned to open later appear in the following table:

LABOR EXCHANGES — UNITED KINGDOM.

DIVISION.	Divisional center.	Exchanges open June, 1910.	Total exchanges proposed.
London and South Eastern	London.....	28	44
South Western.....	Bristol.....	8	12
East Midlands.....	Nottingham.....	6	20
West Midlands.....	Birmingham.....	9	34
South Wales.....	Cardiff.....	6	11
Liverpool and district*.....	Liverpool.....	3	18
North and East Lancashire.....	Manchester.....	16	30
Yorkshire.....	Leeds and Sheffield.....	9	25
Northern.....	New Castle.....	6	15
Scotland.....	Glasgow.....	7	24
Ireland.....	Dublin.....	6	21
		104	254

At the end of 1910 there were 149 exchanges open. The final plan is to have from twenty to thirty in each division and a total of about 250 exchanges. When the system

* These two divisions are under one divisional officer.

is completed there will be about 1,000 people engaged in carrying on the work of the labor exchanges. The cost as estimated in the financial statement submitted with the Labour Exchanges Act (Appendix IV) will be almost a million dollars a year.

There is nothing charitable about the labor exchanges. They are administered as are factory inspection, workmen's compensation, etc., by the National Board of Trade. Their function is merely to bring employers and workmen together and to collect and furnish information relating to the state of the labor market. This is considered an important duty of the state and the service of the exchanges is made free both to employers and to workmen. All classes of labor are dealt with except domestics.

The system retains a neutral attitude between capital and labor. Regulations of the Board of Trade provide for an advisory committee for each division to be made up of an equal number of employers and workmen.

In times of strike or lockouts both employers and workmen may notify the exchanges of the existence of the disputes and this information must be communicated to any workmen who applies for a position with an employer engaged in a trade dispute.

The law gives the Board of Trade power to advance the fare for workmen from one part of the country to another if they can not themselves pay it; but no fares must be advanced to any person who is going to work for less than the prevailing rate of wages, or where he is to take the place of strikers. If the officials are not sure of finding permanent work for an applicant in a distant place they do not advance the fare. In general practice they do not pay any transportation unless the workman has promised to repay the amount and the employer has agreed to deduct it from his wages.

Following is a table giving statistics of the operation of all the labor exchanges from the time they were established to the end of the year:

STATISTICS OF LABOR EXCHANGES, FEBRUARY 1 TO DECEMBER 1, 1910.

	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Totals.
Number of exchanges....	93	93	98	103	103	105	111	124	132	138	146	.....
Number of working days....	24	25	24	22	30	24	23	30	24	24	28	278
Vacancies notified.....	21,193	29,704	31,711	30,788	51,417	39,746	37,891	53,938	44,035	44,283	48,693	433,399
Vacancies filled.....	12,628	20,395	23,858	24,025	41,650	33,813	31,257	45,314	37,010	37,716	41,463	349,139
Work-people's applications on register-end of month.....	112,424	90,627	81,523	75,402	73,604	72,670	79,829	85,477	96,714	100,273	64,763	923,306
Proportion of vacancies filled to vacancies notified.....	60.0	69.0	75.0	78.0	81.0	85.0	82.5	84.0	84.0	85.0	85.0	80.5

It is quite evident from this table that the exchanges are being used more and more by the employers of the country and that their efficiency is steadily increasing. The first is shown by the fact that the number of vacancies notified to the exchange has increased steadily from month to month, and the second is proved by the fact that the proportion of vacancies filled to vacancies notified rose from 60 per cent. in February to 85 per cent. in December. The percentage varies for different classes of wage-earners, the highest usually being for men. Thus in December 88 per cent. of vacancies notified for men were filled, and only 80 per cent. for women.

The "Work-people's applications on the register" at any date are the applications of persons who have registered or renewed their registration during the seven days ending that date. They may be taken to represent separate individuals unemployed. It will be noticed that at first there was a steady decline in the number remaining on the registers at the end of each month. This was due to the general improvement in business conditions and also to the elimination of the unemployable, who, when the exchanges first opened flocked to them to register. But no employment could be secured for them and they dropped out during the following months.*

The principle occupations dwelt with by the exchanges are as follows:

* Statistics are also published of the number of work-people's applications every month. These, however, include re-applications of some whose registration had lapsed after a month, and can not be taken to represent the number of individuals unemployed.

VACANCIES NOTIFIED AND FILLED, BY TRADES, FIVE WEEKS ENDED DECEMBER 30, 1910.

TRADE.	Vacancies notified.	Vacancies filled.	Total applications on register, Nov. 25, 1910.
Building and works of construction.....	4,323	3,950	13,339
Mining and quarrying.....	318	282	796
Metals, machines, implements and conveyances.....	4,712	3,890	11,158
Textiles.....	3,286	2,548	3,129
Dress.....	1,813	1,236	3,150
Conveyances of men, goods and messages.....	9,092	8,172	16,345
Agriculture.....	623	486	1,851
Paper, prints, books and stationery.....	1,304	1,045	1,263
Wood, furniture, fittings and decorations.....	1,021	772	1,734
Chemicals, oil, grease, soap, resin, etc.....	347	306	494
Brick, cement, pottery and glass.....	217	149	425
Food, tobacco, drink and lodging.....	2,611	1,896	6,139
Skins, leather, hair and feathers.....	142	111	361
Precious metals, jewels, watches, instruments and games.....	228	165	434
Gas, water, electric supply and sanitary service.....	471	420	573
Commercial.....	2,026	1,598	6,162
Domestic (outdoor).....	4,967	4,109	9,185
Other, general and undefined:			
(a) general labourers.....	6,602	6,244	13,297
(b) others.....	4,590	4,084	6,547
Totals.....	48,693	41,463	93,382

No statistics have yet been prepared to show the number of skilled and unskilled who apply and are placed, the time it takes to find positions for applicants and the character of the places found, whether they are permanent or temporary. It is apparent, however, from the statistics that are published that the exchanges are dealing mainly with skilled men. The managers say that employers can get all the unskilled labor they need at their gates. They send to the labor exchanges only for the skilled workers.

The work of transferring unemployed people from one district to vacancies in another is shown in the following table:

VACANCIES FILLED IN DISTRICTS OTHER THAN THOSE IN WHICH THEY REGISTERED.

MONTH.	United Kingdom.	London.
October.....	2,451	1,508
November.....	2,457	1,536
December.....	2,912	1,726

Of the total number of places filled in the United Kingdom from 6 to 7 per cent. are placed in districts other than those in which the men registered. More than half of these, however, were transferred between the various exchanges in London, so that the migration of unemployed from one part of the country to another has not yet reached large proportions.

LONDON.

We found in London twenty-two labor exchanges in operation. Most of these had been established by the Central (Unemployed) Body for London, and had been at work for several years. The Board of Trade took them over and is developing and fitting them into its larger system. Most of the old employees went with the exchanges to the Board of Trade, and their experience has been a great advantage in carrying on the work.

Besides the exchanges planned for London, the Board of Trade proposed to erect waiting rooms for dock laborers each in charge of a caretaker. This plan included the registration of all those who are employed at loading and unloading ships.

Every person registered would receive a badge, and only men with badges could be employed. If a man was not regular at his work his badge would be taken away, and thus a large number of casual workers who refuse to work steadily would be eliminated thereby affording more regular employment to the rest. Foremen hiring men from day to day would have to do so at the waiting-rooms, but those who are steadily employed at one dock could go direct to their work provided that their employers reported the number of men employed each day. This plan has not been carried out because the law which created the "Port of London Authority" to govern all the docks and wharves stipulated that this authority was to establish waiting-rooms for laborers. The Board of Trade was ready to

subsidize any scheme which the port authority might establish; but up to the present nothing has been done in this direction.

Each labor exchange in London caters to a district varying in population from 250,000 to 500,000. Besides the twenty-two exchanges in the city there are six others in the near-by country which are included in the London and Southeastern Division. Over all of them is the divisional officer who is assisted by two women supervisors who look after the various women's departments.

The methods employed in each of the exchanges will be best understood if we give the forms which are used in carrying on the work. These forms were devised in the Central Office and are the same for all exchanges. Applicants are registered by a clerk who asks the questions and fills out the following form. If any one prefers it he may fill out the application himself and a clerk then transfers the answers to this form. All those living within three miles of an exchange are required to register in person. Others may register by mail.

INDEX CARD FOR MEN (WHITE) OR WOMEN (RED).

Names		Date	
Full address		Age.	Renewals.
Work desired.	Also willing to take work as		
Previous employers in that class of work, with addresses.	From	Till	
Qualifications			
Willing to take work at a distance?	When free to begin work?		
Remarks.			
B			

The same forms are used for men and women except that different colors are used. For applicants under 17 years of age the following card is used with different colors for boys and girls:

Surname		Other names		Date	
Full Address		Date of birth		Renewals	
Last day school	Date of leaving	Standard at time of leaving	Attending or going to attend Continuation School, day or evening? What subjects?	Was applicant a half-timer before leaving school, if so, how long?	
Employers since leaving school.	Time with	Left	Wage	Employed as	Remarks
Employment desired.	Willing to be apprenticed	Can premium be paid?	Willing to take work at a distance?		
Remarks.					
Bb.					

At the beginning of the work of the exchanges many complaints were made that no positions were secured. The applicant on registering is therefore now given the following notice:

"In order to prevent disappointment, it must be remembered that Labour Exchanges do not guarantee to find work for any applicant, but only to put workmen into touch with vacancies of which the Exchange is able to obtain notice."

All registrations have to be renewed every week, and if not renewed in thirty days they are dropped from the registers of the exchange.

On registering the applicant receives the following registration card. He retains this as long as he wishes to remain on the register of the exchange. If he secures work through his own efforts he signs the card and returns it. The back of the card it will be seen is addressed to the labor exchange and franked for free transmission through the mails.

(Front)

Reg. No.	REGISTRATION CARD ONLY. <i>Not a recommendation to an employer.</i>		Trade No.
N	Name	Trade	
O			
T			
T	Address		
R			
A	Date	I have obtained employment	
N			
S	with		
F			
E			
R			
A	Signed		
B			
L	N. B.— Change of address should be notified at once to the Labour		
E	Exchange.		
	R.		

(Back)

Please Read This Carefully. If you obtain work — either through the Labour Exchange or otherwise — you must return this card immediately to the Exchange, through the post unstamped. Until you obtain work you must present this card at the Labour Exchange every in order to remain on the register.	O. H. M. S. THE MANAGER, Labour Exchange,	Official Paid.
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Employers apply for help as a rule by telephone, but a good many use the mails or call personally. These orders are entered on registry cards of which there is one for each employer. All his orders as they come in from time to time are numbered and this number is noted on the registry card. Thus it is possible to see at a glance all the business done with any employer.

Name.

Full address.

Nature of Business.

Telephone No.

Staff engaged by

Hours, etc

Remarks

N

When an order has been received from an employer and a suitable workman has been found, he is sent to the employer with an identification card, which the latter is asked to sign and return to the exchange. This is also now franked for free transmission through the mails:

BOARD OF TRADE LABOUR EXCHANGES.

Tel. No. _____

Telegraphic Address:

“ Labex ”

Labour Exchange.....

IDENTIFICATION CARD

In reply to your request for_____

I am sending _____ the bearer.

If you engage bearer, please sign and return this card to me. If you do not engage bearer, please give this card back to $\left\{ \begin{array}{l} \text{her.} \\ \text{him.} \end{array} \right.$

Manager.

N. B.— Until this card is returned the situation is considered open.

I ENGAGED.

Signature_____

Tel. No.
Telegraphic Address.
"Labex"

1d.
stamp

POST CARD.

BOARD OF TRADE LABOUR EXCHANGES.

THE MANAGER,
LABOUR EXCHANGE.

The index cards containing the applications for employment are filled according to trades following the census classification. The files of these cards make up the registers of the exchanges. All those that have registered or renewed within one week are placed in the "Live Register." Those who have not renewed at the end of the week but whose application has not been on file longer than a month make up the "Intermediate Register," while in the "Dead Register" are all those for whom employment has been found or who have not renewed within thirty days. The Live Register is first consulted when workmen are sought to fill vacancies. The person whose card is selected is notified by mail or telegraph. If a worker is needed immediately he is selected from those in the waiting-room. Applicants are not permitted to remain long in this room but they are encouraged to come often.

The number of men sent to an employer for each position varies. Sometimes the manager selects one man and sends him. This is generally true in the building trades and where the manager knows exactly what the employer wants. In other cases several men are sent and employer makes his own selection. In certain cases employers have left orders at the exchange to send all the help of a certain class. Some of the employers come to the exchange, interview applicants and select their own help.

Where one exchange can not fill an order it applies to nearest local exchanges by telephone where it is likely to find the particular kind of help. If in this way the position still can not be filled the order is sent to the Divisional Clearing House which sends out lists of such open positions to all the local offices three times a day. These lists are typewritten and stencilled. As soon as one of these orders is filled the Divisional Office is notified and it in turn sends out notices of cancellation to the local exchanges.

To get the exchanges known, advertising, soliciting and circularizing are freely resorted to. Advertising has cost very little. The papers take it free. In every post office notices are put up and in army recruiting offices. In the underground railways of London the exchange notices are put up free, in return for the map of the routes which are published with them. Soliciting is done very largely by the local manager or next assistant. It is his business to familiarize himself with the wants of employers in his district. At first an attempt was made to have special agents to solicit business, but this was found impracticable.

The office hours in the London exchanges are from eight to five. Registration is usually suspended between twelve and two and also on Saturday. Monthly returns have to be made to the Board of Trade of the amount of work done. This requires much work and it is considered so important that the manager has to give it his personal attention. In a number of exchanges the unemployed registers of various trade unions are kept. This is encouraged in order that the Board of Trade might get fuller knowledge of the state of unemployment.

In each of the branch offices in London we found the manager in charge a practical man, selected evidently for his ability to handle men, to mix with them and to understand human nature. Most of them had formerly been mechanics and union officials. Some had been in business. Sufficient clerical help is supplied so that the manager need not give time to this kind of work. The office force in the various exchanges ranges from six to nine including caretaker.

The exchanges are usually in the most public center in each locality. In some cases it remains in an old inadequate building on a public square rather than go to better quarters, or a side street. The Divisional Officer for London feels that a labor exchange can not afford to be on any but the busiest street. It must advertise itself to the public.

The advisory committee composed of employers and workmen for the London division was organized during the time of our visit. An attempt to care for children under seventeen is also being made by organizing a special juvenile advisory committee, voluntary and unpaid, to co-operate with the exchanges. For London there will be about twenty members, six from the London County Council, four from the Divisional advisory committee, two employers and two workmen, and ten others, such as teachers and other educators interested in apprenticeship, children, etc. Its secretary is to be an official of the Labor Exchange. The committee is to form a local advisory committee whose members will give their time voluntarily, assisting the manager to place children in good positions and looking after them in those positions. The teachers and school authorities are to be depended on a good deal for this work. Separate rooms have been established for juveniles in a number of exchanges.

Some of the difficulties which the labor exchanges have met so far are important. Opposition has cropped out now and again from the rank and file of the trade unionists. The leaders of the labor movement support the work. Many of the unions have employment bureaus and those men who formerly joined the union because of this facility need do so no longer. This and the bad feeling in time of strikes has aroused opposition, but it is gradually being overcome.

Another difficulty has been the old buildings, inadequate quarters. Most of the places were the old offices of Distress Committees taken over. The rooms for women and juveniles are particularly bad. A separate branch, for women only, has recently been established, but also in very bad quarters. It is planned to remedy this condition as soon as possible. In other cities where the exchanges had to get new buildings they have done much better.

When exchanges were first opened they were overrun by unemployables who had formerly applied to Distress Committees. They thought here was something new for them. These people cannot satisfy employers and it has been the policy not to send anyone to a position if a good man cannot be found. Employers still fear that the exchanges have only the "no-goods" and the managers try now to get their confidence by satisfying them. The exchanges are entirely voluntary and employers must be won over, so that is the main work for the present.

In the following table the work of the London exchanges from the time they were taken over by the Board of Trade up to the end of December, 1910, is given:

STATISTICS OF LONDON LABOR EXCHANGES, FEB. 1 TO DEC. 30, 1910.

	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Totals.
Vacancies notified.....	6,118	7,993	8,896	7,981	11,174	7,977	7,545	11,428	9,908	10,393	10,677	100,090
Vacancies filled.....	3,816	5,591	6,722	6,009	8,847	6,613	6,107	9,465	7,935	8,517	8,899	78,522
Work-people's applications remaining on register at end of month....	34,867	26,842	24,577	22,767	22,083	21,286	22,345	24,674	28,868	26,999	17,267	.....
Proportion of vacancies filled to vacancies notified.....	62.0	70.0	75.0	75.0	79.0	83.0	81.0	83.0	80.0	82.0	83.0	78.0

About one-fourth of the total business of these exchanges is done in London. It does not appear that the London exchanges fill a larger or smaller percentage of the vacancies notified to them than do the exchanges in the rest of the country. But of the number of individuals who apply for work in London only about 35 per cent. are placed, while for the country as a whole the percentage is over 40. Otherwise the statistics for London show the same general tendencies as those for the country as a whole. More employers seeking help through the exchanges and a larger proportion of vacancies notified are filled. From 18 to 19 per cent. of all the places filled in London represent people sent to positions outside of the districts in which they registered.

GLASGOW.

The Glasgow Labor Exchange is situated just off one of the busiest streets in the city, but on a street that is quiet in itself and where many men stand about waiting for work, without obstructing traffic. It occupies all of the lower floor of a large corner building. This floor is divided into two rooms, one for skilled workers and one for unskilled workers.

The skilled workers come in on one street, the unskilled on the other street. On the second floor there are two more departments, one for women and one for juveniles. The women and the children enter by the door which the skilled men use. Also on the second floor are the offices of the divisional officer for Scotland.

In the Scotch division there are now nine offices, one each in Glasgow, Edinburgh, Dundee, Aberdeen, Greenock, Paisley, Coatbridge, Kilmarnock and Motherwell. In Glasgow there will be established soon three or four branch offices. The local exchanges in the Scotch division communicate directly with one another for positions they cannot fill. If they do not succeed in filling them in this way then they mail a postal to the divisional office in Glasgow notifying the vacancy. At the end of the week a list of all the vacancies notified to the divisional officer that have not been filled is made and mailed to every exchange in the division and to other divisions. All transfers within the division are usually made directly by the local exchanges. Transfers to and from English divisions are made through the divisional office. Transportation is sometimes advanced as in England, and the same policy of getting the employer to deduct the amount out of the salary of the wage-earner is followed. Very little money has been lost by failure to repay advances.

There is connected with the divisional office a woman supervisor who looks after the women's departments and also the juvenile departments of the division. All the other divisions have found it necessary to place the boys' department under the divisional office but in Scotland it proved successful under the women's supervisor. This supervisor spends most of her time in Glasgow because of the greater need there, although she plans to be in other cities also. She visits employers in an effort to place the women and children and to drum up trade for the exchanges. She does little in the way of direct investigation of working conditions in the places of employment, but is familiar with most of the conditions in Glasgow. She depends directly on the factory inspectors for this information.

There was in process of formation at the time of our visit, the advisory committee and also the juvenile advisory committee for Scotland. With regard to the latter, difficulty has been met in that the Scotch school authorities under a law recently passed have authority, and in some cases have exercised the authority, to establish juvenile labor exchanges. This tends to divide the work of the exchanges and in order to get all unified, the divisional officer has had to agree to allow a majority of the juvenile advisory board to be educational authorities. It is proposed to have the children register in the schools, the information being secured by the teachers and transmitted to the labor exchanges.

The routine work of the Glasgow office is much the same as in London, except that it seems to go with greater dispatch. Fewer men are called into the office to be sent out to positions. They are sent direct from the desk at which they apply. Instead of using the big order sheets which are prescribed by the Board of Trade, the handy employers' index cards are used, and from these the orders are filled. This permits of much more rapid work. In order to avoid the waste of time in hunting for a man's application card, his classification number is written on his registration card and his application can immediately be found.

Usually about three or four men are sent to every position and the employer makes his pick. But in some cases the employers would rather depend on references and have the exchange pick out the man. For this reason, although the design of the Labor Exchanges Act was not to do anything more than to bring employer and workman together, a special form "Private and Confidential" has been printed, which makes inquiry of a man's former employers as to his capacity, ability, honesty, reasons for leaving employment, etc.

The Glasgow Exchange is soon to have new quarters in a building designed to meet its own needs. The plan shows an arrangement by which all the departments will have separate entrances, and the clerks will be able to pass from one department window to another freely. This will enable the office force to adjust itself to those departments which for the moment happen to be busiest.

The staff of the exchange which caters to a population of approximately one million is composed, aside from the manager, of an assistant manager, five clerks, and a messenger for the male department. There is also a telephone girl who works as well for the divisional office. In all, therefore, there are twelve. In the divisional office there are six, the divisional officer and five clerks.

The statistics of the Exchange in Glasgow shows that it fills a larger proportion of the vacancies notified to it than do the London Exchanges or all of the exchanges in the country taken together. Also a larger percentage of the applicants for employment in Glasgow are found places than in London or in the country as a whole. This is probably due to the fact that both in registrations and in placements skilled workmen out-number

the unskilled. In the women's department, too, the skilled women come to the exchange much more freely than in London. Charwomen are permitted to sit in the Glasgow office till 11 o'clock and their registration must all be done in the morning. Skilled women come in the afternoon. In the juvenile department boys and girls were formerly allowed to come together. Now the boys come in the morning and the girls in the afternoon. The boys are allowed to sit in the office as the charwomen are, for the purpose of meeting a hurry call.

STATISTICS OF GLASGOW LABOR EXCHANGE, FEBRUARY 1 TO DECEMBER 30, 1910.

	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Totals.
Vacancies notified.....	1,782	3,328	2,944	2,764	3,995	2,690	3,017	3,051	2,204	1,832	1,578	29,185
Vacancies filled.....	1,350	3,010	2,719	2,523	3,497	2,541	2,887	2,756	2,041	1,659	1,371	26,354
Number of applications on register at end of each month.....	7,169	3,752	3,655	2,754	2,362	3,139	3,150	2,614	3,157	3,300	1,947	.....
Proportion of vacancies filled to vacancies notified.....	76.0	90.0	92.0	91.0	87.0	94.0	96.0	96.0	93.0	91.0	86.0	90.0

CONCLUSION.

The labor exchanges in England have been too recently established to pass any final judgment on them. They are, however, gaining favor both with employers and with workmen. In spite of the complaints from a few local unions the British Trade Union Congress has endorsed the labor exchanges, merely suggesting certain amendments. The Labor Party, on the other hand, "decided that it would be better not to press for any amendments until experience had shown in which direction amendment was needed." The growing number of employers who patronize the exchanges shows that they are learning to have confidence in the work. A number of employers have made arrangements to hire their help through the exchanges, and so many have expressed their willingness to do this that placards for distribution among employers bearing these words:

"Applicants for employment in these
works should apply to the Labour
Exchange at....."

The labor exchanges will not solve the problem of unemployment. "The most that can be claimed for them," said Mr. Beveridge, "is that they find work faster than is ordinarily possible, although in some cases they do not find work for some by filling places which without the exchanges might not be filled at all. In the main the labor exchanges aim to eliminate leakage between jobs, to do away with the waste of time in hunting for work."

The law establishing labor exchanges was the first step in a plan for dealing with the problem of unemployment in a comprehensive manner. The Liberal Government has promised to introduce a system of insurance against unemployment. This can be called a real solution for unemployment. Its aim is to spread wages over the periods of unemployment. Just as a government official has busy times and slack times yet his pay goes on, so by means of insurance a sum is laid by during busy times which will insure a steady income during unemployment. This fund ought to be made up by contributions from workmen, from employers, and from the State, for all three are interested in reducing unemployment when they have to pay for it, and there are many ways in which each can reduce unemployment. It is bad to have the State do all the insuring, for then the employer has no incentive to keep his workmen at work as long as possible and to make or to find work for them.

GERMANY.

In Germany the struggle against unemployment has been carried farther than in any other European country. The means adopted are of three general kinds, (1) employment offices, (2) relief works, (3) insurance.

The employment offices are of various kinds. There are the public labor exchanges which are usually conducted by municipalities or by voluntary associations receiving municipal subsidies. At the beginning of 1910 there were 462 of these in operation. They find places for about a million wage-earners every year. Employers' associations have recognized that agencies for bringing together employers and workers seeking each other are a necessity, but desiring to exercise control over the labor market, they have organized

exchanges of their own. In recent years these labor bureaus have made great progress. There are about 150 such now in existence. One hundred and fourteen of them filled 514,122 vacancies in 1909. Then there are the trade union offices which act as employment bureaus. These are in the main confined to the large cities. They are not increasing the amount of business that they do. In 1908 they filled about 300,000 places. In some of the smaller industries there are labor exchanges conducted jointly by employers and workmen under trade agreements. In 1908 there were 47 of these which filled 88,442 vacancies. Besides the exchanges mentioned, there are about 2,500 labor bureaus conducted by the Trade Guilds filling over 200,000 positions annually, and 15 exchanges conducted by Chambers of Agriculture which supply work for about 90,000 workers annually, mostly immigrants brought into Germany for short periods.

Relief works for the unemployed are of two kinds. For residents the municipalities and states change the date for beginning their public works and make them available for unemployed workmen in time of depression and during the winter months. Municipal relief works were organized in 1908-9 by 150 cities. For non-resident unemployed, travelling workers, vagrants, and others, there are refuges and labor yards where men are lodged and fed for short periods in return for manual labor performed.

Finally, insurance against unemployment of several kinds has been developed in Germany. The most important is that conducted by the labor unions. Something like 2,000,000 workers are thus insured. In a number of cities these trade union insurance funds are subsidized by municipal grants. A few cases of loans to the unemployed and even grants of relief in money or goods also exist.

PUBLIC LABOR EXCHANGES.

There is no federal or state law establishing labor exchanges in Germany. The municipalities have taken the lead and the Imperial and state governments merely subsidize certain parts of the work. In 1884 a bill was introduced in the Reichstag to compel every city of 10,000 or more to provide a labor exchange. This was not passed. In Prussia the Minister of the Interior has issued a circular recommending to each city that it establish an employment office. Such action is not compulsory. Recently a law passed the Reichstag, which is the beginning of an attempt to centralize the work of placing labor in the public exchanges. It proposes to regulate the private employment offices which deal mainly with domestics and hotel and restaurant employees, and it provides that no employment office shall be established where a public exchange exists which places the kind of help the private office proposes to handle.

The first of the municipal labor exchanges was established in Dresden in 1887. It was not, however, until after the industrial depression of 1892-3 that other cities took up the work. Then, however, the movement became general and to-day the principle upon which the exchanges are based — that finding employment is a public service — is admitted practically without discussion. The most important reasons which have led to the establishment of public employment exchanges have been three. First, unemployment; secondly, the abuses of the private employment bureaus; and thirdly, the necessity for keeping the work of finding places for wage-earners in neutral hands. Trade unions and employers' associations had organized labor bureaus to be used as weapons in their struggles. It was recognized by the public and is now generally recognized by labor men and the small employers that the securing of employment should be kept outside of the conflicts of capital and labor.

Organization.— At the beginning of 1910 there were 462 public labor exchanges in operation, distributed as follows among the various German States:

Prussia.....	273
Bavaria.....	66
Saxony.....	28
Hesse.....	26
Württemberg.....	16
Baden.....	16
Alsace-Lorraine.....	16
Braunschweig.....	3
Waldeck.....	3
Other States and cities having 1 or 2 each.....	15

The necessity for co-ordinating the work of the various city exchanges was felt early in their existence. In 1898 The Association of German Labor Exchanges was organized (*Verband deutscher Arbeitsnachweise*), sixty-eight exchanges joining the first year. At the present time there are 200 affiliated, including the most important exchanges in the country. The purpose of the association is to facilitate communication and interchange of information among the various local exchanges, to assist cities in establishing new exchanges, to suggest improvements in organization and management, to give publicity to the work and to induce employers to patronize the exchanges. At the headquarters in Berlin statistics are compiled, a library and archives on the subject of unemployment are kept, and a monthly paper *Der Arbeitsmarkt* (The Labor Market) is published. The association holds annual conventions for discussion of problems and methods of importance to the exchanges.

Besides the national organization, there are twelve associations covering smaller divisions of the Empire and several others are contemplated. Each of the States in southern Germany has a union of labor exchanges, and in Prussia there are such organizations in all but one of the provinces. Through these State and provincial associations the local exchanges co-operate in transferring men from one to another, in getting the work known, and in establishing new exchanges.

The various associations of labor exchanges receive subsidies from their respective governments to carry on their work. For the year 1908-9 the total of these subsidies amounted to 262,635 marks or about \$65,000. To this must be added the free use of the telephone and reduced rates of railroad transportation for men placed at a distance, which is allowed by some of the States in southern Germany.

Most of the exchanges affiliated with the Association of German Labor Exchanges are conducted by the municipalities. About one-fourth are managed by voluntary associations receiving municipal subsidies. The service is generally free both to employers and workmen, although a number of the subsidized exchanges charge nominal registration fees.

Management is usually intrusted to a committee composed of equal numbers of wage-earners and employers with a city official as the chairman. In the smaller cities there is generally but one such committee and its work is perfunctory, the manager in the main directing the operations of the exchange. But in the larger cities where trade unions and employers' associations are strongly organized, the "*Paritätische*" Committees as they are called play an important role. They look after the work in detail, and where the exchange is big and divided into many departments there is such a jointly managed committee for each department. The advantage of giving all parties interested a share in the management of the exchanges has shown itself in their increased efficiency and in the confidence which they are winning from employers and wage-earners alike. A constantly increasing number of towns are intrusting the management of their exchanges to such committees.

All the exchanges are organized so as to permit separate waiting-rooms of men and women, and where the amount of business warrants it there are separate departments for children and for workers in various trades. The waiting-rooms are provided to keep the unemployed from tramping the streets and also to enable the employer to come to the exchange and make his own selection of the help he needs.

While the Association of the German Labor Exchanges is organized to promote uniform methods of carrying on the work and keeping the records, no uniform system has yet been adopted. In general three systems are used. A majority of the exchanges still adhere to the oldest methods and register their applicants in books. Next in number are those which use the card system. And some have a combination of both. Experience in Germany has not shown that any one of these systems would be best for all exchanges. The best results, the largest number of placements, are secured by different systems in different localities.

In filling positions the main considerations are the qualifications of the applicants and the wants of employers. But wherever possible, permanent residents of the town and married men are given preference over others.

The policy in times of labor disputes is to remain neutral. Formerly it was the custom in some cities to refuse the services to employers whose workmen were on strike. In other cases the exchanges controlled by employers undertook to supply strike breakers. The results in both cases proved disastrous, and the general policy now, is to take the applications of employers in time of strike, but to notify the workers of the existence of the strike, leaving it to them to apply for the positions or not, as they see fit. This method has on the whole proved successful, though in practice it works out that few wage-earners apply for the places of employees who are on strike.

Operations of Public Labor Exchanges.—The number of positions filled annually during the last three years by exchanges affiliated with the Association of German Labor Exchanges has been:

1907-8.....	932,956
1908-9.....	860,901
1909*.....	947,810

To this must be added the placements of the smaller exchanges not affiliated with the Association which are annually from 50,000 to 60,000. The decrease in 1908-9 was due to the industrial depression.

Of the affiliated exchanges in 1908-9

21 filled from	1 to 250	positions
12 filled from	251 to 500	positions
14 filled from	501 to 1,000	positions
29 filled from	1,001 to 2,000	positions
25 filled from	2,501 to 5,000	positions
22 filled from	5,001 to 10,000	positions
11 filled from	10,001 to 20,000	positions
6 filled from	20,001 to 40,000	positions

In the last group were Munich with 60,885 placements, Stuttgart with 61,299 and Berlin with 99,421.

The proportion of vacancies filled to vacancies notified to the principal exchanges may be given in this manner:

For every 100 vacancies there were placements

Augsburg.....	60.5
Baden-Baden.....	60.1
Berlin.....	82.8
Breslau.....	81.8
Dresden.....	91.8
Düsseldorf.....	84.9
Essen.....	60.9
Frankfurt a. Main.....	85.7
Hamburg.....	88.5
Hanover.....	76.4
Cologne.....	82.8
Leipzig.....	88.8
Magdeburg.....	77.4
Mulhausen i. E.....	61.6
Munich.....	79.2
Nürnberg.....	83.3
Posen.....	80.3
Potsdam.....	93.0
Strassburg.....	88.7
Stettin.....	76.2
Stuttgart.....	78.8

In all the large cities where the exchanges have been in operation for a good many years over 75 per cent. of the workers wanted are supplied. In some of the smaller cities the proportion runs as low as 20 per cent.

For every 100 positions secured in 1908-9 there were applicants for employment in the principal cities as follows:

CITY	Skilled.	Unskilled.
Augsburg.....	22.4	46.1
Baden-Baden.....	35.6	16.1
Berlin.....	50.7	28.6
Dresden.....	9.4	19.8
Düsseldorf.....	55.2	17.3
Essen.....	41.2	9.2
Frankfurt a. Main.....	25.3	19.4
Hanover.....	36.7	36.1
Cologne.....	23.7	47.4
Leipzig.....	0.9	36.4

* Calendar year.

CITY	Skilled.	Unskilled.
Magdeburg.....	11.2	37.9
Mainz.....	31.8	20.1
Mulhausen.....	30.9	42.6
Munich.....	21.6	22.4
Nürnberg.....	40.0	13.7
Posen.....	21.1	19.1
Potsdam.....	49.2	44.1
Strassburg.....	29.6	42.2
Stettin.....	5.8	80.4
Stuttgart.....	38.4	17.0

An unusually small proportion of placements to applications especially for skilled workers is shown because of the industrial depression.

The extent to which the people make use of their exchanges is shown in an interesting table prepared for the annual report of the Association of German Labor Exchanges in 1908-9. It shows the number of positions secured by the exchanges per every 100 of the population. Part of the table is here reproduced:

For every 100 people there were positions secured

Stuttgart.....	24.6
Freiberg i. B.....	23.6
Baden-Baden.....	17.2
Posen.....	12.7
Frankfurt a. M.....	11.2
Mulhausen.....	11.1
München.....	11.1
Augsburg.....	9.4
Strassburg.....	9.2
Düsseldorf.....	9.2
Potsdam.....	7.9
Mainz.....	6.8
Magdeburg.....	6.6
Cologne.....	6.1
Berlin.....	4.3
Leipzig.....	4.2
Nürnberg.....	4.2
Hanover.....	3.8
Hamburg.....	2.6
Essen.....	2.5
Stettin.....	2.2

In general, southern Germany and the thickly settled centers make the greatest use of their public labor exchanges. On the average, one out of every four or five of the population has a place found for him every year by these exchanges. The lower proportion in some of the other cities is due to the presence of employment bureaus conducted by employers' associations. The character of the occupations of those placed in positions is shown in the following table:

PUBLIC LABOR EXCHANGES — VACANCIES FILLED, 1908-9.

<i>Occupations.</i>	<i>Number</i>
Male:	
Skilled.....	264,954
Unskilled.....	249,042
Highly qualified.....	13,907
Agricultural.....	38,775
Female:	
Domestics.....	98,031
Charwomen.....	122,323
Agricultural.....	3,073
Factory women.....	33,905
Highly qualified.....	3,453
	827,463

Skilled workers constituted more than half of all the men for whom places were found. Those placed on farms were a small proportion of the total, but the number is increasing. In the figure for charwomen, the same woman might be represented in many positions secured. While this would reduce the number of individuals placed it represents a most important part of the work of a labor exchange. By securing many temporary positions for the woman, the exchange enables her to earn a steady income. In Bavaria, Württemberg, Baden and Alsace-Lorraine, a successful system of finding places for young people as apprentices in skilled trades has been developed. Six thousand two hundred and twenty-six apprentices were placed in 1908. Labor unions, guilds, employers' associations and the school authorities co-operate with the exchanges in this work. The children fill out their applications for work in the schools and the teachers add notes as to their qualifications. Employers and the labor men report to the exchanges the opportunities for learning trades and see that the apprentices are properly trained.

Aside from the placing of juveniles, special measures have been taken by a number of exchanges for dealing with aged, crippled, and otherwise handicapped workers. This work, however, is still in its infancy.

To aid the transfer of unemployed workers to localities where they are needed, a number of the associations of labor exchanges issue lists of vacancies two or three times a week which are exchanged among all the branches. Usually there are two lists, one general for all trades, and the other a special list for agricultural workers. The publication of vacant lists has not been successful in all places. Frequently the end is better accomplished by direct communication of exchange with exchange over the telephone.

The total cost of the work of the public labor exchanges in Germany was 943,411 marks (about \$235,000) in 1908-9. Of this, 262,635 marks were covered by subsidies from the national and state governments. The average cost for each vacancy filled was less than a mark, or about twenty cents.

BERLIN.

The labor exchange in Berlin is conducted by a philanthropic society which receives a subsidy from the city government. It was established in 1883, and at the present time occupies two large buildings erected at a cost of 650,000 marks especially to meet its needs. One of the buildings is for unskilled workers, the other for skilled workers, and for women. These buildings are in the midst of a wage-earners' residence section. There are also three branch offices in other parts of the city.

In the building for unskilled men the first floor is occupied by the offices of the exchange, and a great waiting-room capable of accommodating 3,000 to 4,000 people. This room is open from 8 A. M. to 4 P. M., and those who have a registration certificate may sit there all day. A lunch counter at one side of the waiting-room sells sandwiches, beer and coffee at low prices. Two days every week a shoemaker and tailor occupy the little shops just off the waiting-room and the men may have any repairing done that they need. In the basement of the building shower baths are provided which may be used by those who have registered on payment of five pfennig.

All the unskilled males register at the office on the first floor. The large waiting-room is for the men and they are grouped in different parts of the room according to their callings, such as teamsters, porters, deck-hands, etc. A separate room for boys is provided on an upper floor. In the building for women and skilled workers, there are separate waiting-rooms for different trades and one room for women and girls. There is also a lunch room for the men.

An executive committee of thirty-five members administers the affairs of the exchange. Part of its members are elected at a general meeting of the society and part are representatives of employers and workmen. The work is divided into about twenty district departments, each with a managing committee composed of equal numbers of employers and wage-earners. Some of the departments for skilled trades, such as those for brewery workmen and woodworkers, are conducted by joint committees of trade unions and employers' associations under their trade agreements. In these there are usually two clerks, one appointed by the employers and the other by the unions. They are really independent labor bureaus, hiring quarters of the Central Labor Exchange, and co-operating with it.

A registration fee of twenty pfennig or five cents is charged to all but those who as members of a union contribute to the support of a jointly-managed department of the labor exchange. Applications are registered by a clerk who fills out the following form:

No. 31990 Eingetragen am:..... Name:..... Geboren am:..... Verheiratet, ledig. Letzter Beschäftigungsort:..... Seit wann arbeitslos?..... In welchem Beruf arbeitslos geworden?..... Beruf in der nachgewiesenen Stellung:..... Dorthin eingetreten am:..... Lohn:.....	No. 31990 Centralverein für Arbeitsnachweis Allgemeine Abteilung Gormannstr. 13. Bescheinigung für den..... über die am..... erfolgte Eintragung in die Liste des Arbeitsnachweises, wofür eine Einschreibgebühr von 20 Pf. entrichtet ist. Zur Beachtung! Bei Zuweisung einer Arbeitsstelle wird diese Bescheinigung dem Inhaber abgenommen und in Bureau des Arbeitsnachweises aufbewahrt. Diejenigen Arbeitnehmer, welche vom Arbeitgeber nicht eingestellt werden, haben sich unverzüglich im Bureau zwecks Wieder-einhändigung der Bescheinigung zu melden und eine Bescheinigung vom Arbeitgeber über die Nicht-Einstellung beizufügen, widrigenfalls die Bescheinigung ihre Gültigkeit verliert
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The part at the left is kept in the office for reference while the "Bescheinigung," or registration card is detached and given to the applicant. It entitles him to the use of the waiting-room of the exchange for three months, when, if he has not found work, he must re-register.

Employers send in their applications usually by telephone. Their orders are entered on this card:

Name des Arbeitgebers:..... Eingegangen:.....

Branche:..... Erledigt:.....

Zahl der verlangten Personen	Art der Stellung	Lohnsatz	Sonstige Arbeitsbedingungen

Ergebnis des Gesuchs:.....

The superintendent takes the orders to the waiting room and calls out the nature of the work to the men there assembled. All who wish to apply for the positions come

forward to the windows of the office. Here the workingman gives up his registration card and receives in return this introduction to the employer:

Telephon-Centrale:
Amt III
8865, 8896, 1614, 3077.

BERLIN, den.....1903.

Gormannstrasse 13.

HERR.....

Auf Ihre Bestellung überweisen wir Ihnen die folgenden Arbeitnehmer:

- 1.....5.....
- 2.....6.....
- 3.....7.....
- 4.....8.....

Wir bitten Sie ergebenst, nur diejenigen Arbeitnehmer zu berücksichtigen, deren Namen hierauf verzeichnet stehen, da nur diese von uns überwiesen sind.

CENTRAL-ARBEITSNACHWEIS.

Falls keiner der überwiesenen Arbeitnehmer Ihnen zusagt, ersuchen wir Sie um gefl. Mitteilung auf dieser Karte, ob weitere Zusendung erfolgen soll.

Usually two or three workmen are sent for each position so that the employer may have a choice. Those who do not get the position must return to the exchange within twenty-four hours to claim their registration cards, otherwise they are forfeited. Since the card costs something, the people usually make sure to get it, and it is assumed that those who do not return for the card have been hired.

The manner of doing business is simpler in the Berlin Exchange than in London, because of the large waiting-rooms where the applicants are assembled. This does away with the need for index cards classified according to trades and time of registration. Applicants are considered for positions generally in the order of their registration. All the departments except two or three managed by joint committees of labor unions and employers' associations have the same methods of doing business and use the forms here given.

In the following table the results of the work of the Berlin Exchange from 1902 to 1909 are given:

YEAR.	Applications for work.	Vacancies notified.	Vacancies filled.
1902.....	42,829	37,935	30,534
1903.....	74,541	60,691	46,616
1904.....	99,874	90,499	67,017
1905.....	137,025	128,249	92,190
1906.....	156,817	134,474	99,557
1907.....	158,098	119,915	95,678
1908.....	151,960	102,304	84,245
1909.....	.....	.....	99,827

The depression of 1907-8 showed itself in the decline of the proportion of vacancies filled to the number of applicants. In 1906 for every 100 applications for work there were 85 vacancies notified to the exchange. In 1907 this had dropped to 76, and in 1908 was 67. The same conditions are shown by the decreasing proportion of positions secured to the applications for work. For every 100 applications 63 were found work in 1906, 61 in 1907, and only 55 in 1908.

That the exchange was doing its utmost during these years is shown by the increasing proportion of vacancies notified that have been filled. Out of every 100 vacancies notified to the exchange 74 were filled in 1906, 80 in 1907, and 82 in 1908. About 2 per cent. of the vacancies filled were outside of the City of Berlin.

More than half of the men for whom places are found belong to the skilled trades. With the women, however, a majority are unskilled.

The expenses of the Berlin Exchange in 1908 were 91,810 marks. Of this amount 55,000 marks were contributed by the City Government. The average cost of each position secured was 1.02 marks, less than twenty-five cents.

MUNICH.

The public labor exchange in Munich has been in existence since 1895. It was the first to be established in Bavaria. Since then the number of exchanges has grown until now there are 51 of them organized in a union of Bavaria Labor Exchanges. The country is divided into eight divisions, with a central office in each. The Kingdom of Bavaria, through the Minister of the Interior, contributes to the work of these central offices. Munich gets 6,000 marks. The work is to facilitate the exchange of men and information from one locality to another. Once a week each exchange sends to the central office a list of the vacancies it has not been able to fill. The central office compiles this information and distributes it to all the offices in the division and to all the other divisions in Bavaria. These lists are posted on bulletin boards in the waiting-rooms, and men inquire for the places either at their local exchange or direct to the exchange where the place is open. In some cases the exchange advances the fare, but usually only when the employer is willing to refund it. The men are seldom sent far from Bavaria, but within the State, and in the neighboring States many vacancies are filled.

The expenses of running the city exchanges are entirely assumed by the city of Munich. There is no fee of any kind charged either to employers or to workmen. The exchange has the free use of the local telephone, but the State Government has thus far refused to grant the free use of its lines for long distance use.

There is a commission at the head of the municipal labor bureau composed of four employers and four wage-earners, with a chairman who is a city official. This commission has general charge of the central exchange and two branch offices. In the main building there is a general division into a male and female division. Separate waiting-rooms are provided for skilled and unskilled men. The women have but one room, but mixing of various classes is avoided by having different hours for skilled women, domestics and general day workers.

The waiting-rooms are not so elaborately fixed up as in Berlin. The men are encouraged to come and go rather than to wait around all day. Separate desks are provided for the registration of men in different trades. In the unskilled department there is a special division for farm laborers. A very successful department for placing apprentices has also been established.

There is but one jointly-managed labor bureau operated as a department of the Munich Labor Exchange. This is the exchange for hotel and restaurant employees which is one of the branch offices. The other branch deals mainly with domestics.

The method of doing business is much the same in Munich as in Berlin, except that lists instead of cards for registering applications are used in Munich. These lists are bound into books, and it is the opinion of the superintendent of this office that both for statistical purposes and for dispatch in carrying on the work, books are better than cards.

In 1909 the applications, vacancies and positions filled by the Municipal Labor Exchange were as follows:

	Male.	Female.	Total.
Applications for work.....	48,279	37,293	85,572
Vacancies notified.....	38,477	40,611	79,088
Vacancies filled.....	34,431	30,085	64,516

Among the men, there were 125 applications for every 100 vacancies. The demand for women workers, particularly domestics, on the other hand, was greater than the supply. For every 100 vacancies for males the exchange was able to supply 89, but it could fill only 74 vacancies for women out of every 100.

In the following table the occupations of those for whom places were found are shown:

MUNICH POSITIONS FILLED, 1909.

MALE.			FEMALE.		
	Number.	Per cent.		Number.	Per cent.
Unskilled.....	17,036	49.5	Unskilled.....	10,563	35.1
Skilled.....	10,943	31.8	Hotel and restaurant....	9,704	32.2
Agricultural.....	5,161	15.0	Domestics.....	7,029	23.4
Apprentices.....	1,219	3.5	Factory women.....	1,882	6.3
Other.....	72	0.2	Agricultural.....	652	2.2
			Apprentices.....	187	0.6
	34,431	100.0	Other.....	68	0.2
				30,085	100.0

While unskilled laborers make up the greatest portion, the figures show that the public labor exchange is capable of dealing with all classes of workmen.

The work of relieving the congestion of unemployed wage-earners in the city has been carried on very successfully by the exchange in Munich. Ten thousand five hundred and forty-one or 16 per cent. of the vacancies filled were in places outside of the city. All but 263 of these were within the Kingdom of Bavaria.

Workingmen who have secured positions more than 25 kilometers from their homes are allowed a reduction in fares by the Bavarian State Railways upon presentation of a card from the labor exchange. In 1909 the Munich exchange issued 4,399 such cards, 3,655 to men and 744 to women. Among these were:

	Male.	Female.	Total.	Per cent.
Skilled workers.....	2,148	23	2,171	49.4
Agricultural.....	1,023	52	1,075	24.4
Unskilled.....	379	9	388	8.8
Domestics.....	3	296	299	6.8
Hotel and restaurant.....	9	359	368	8.4
Apprentices.....	93	5	98	2.2
	3,655	744	4,399	100.0

In eighty-six cases it was necessary for the exchange to advance transportation costs and the total advanced was 415 marks.

Since 1907 there has been a separate department for public employees at the municipal exchange. The purpose of this is to make public work available for the unemployed. All laborers working for the city must be hired at this department, and before any one is laid off the exchange must be notified. The plan is to have the public work done when the general demand for labor at the exchange is small. The number of positions secured on public works was 4,267 in 1909, and all but 100 of these were unskilled laborers. The highest number of placements was made during the winter months.

The Munich exchange has made a success of placing men on farms. Five thousand eight hundred and thirteen vacancies in the country were filled in 1909. About 91 per cent. of all such vacancies for men which are notified to the exchange are filled. It is more difficult to meet the demand for women on farms. Only about 60 per cent. of such vacancies are filled.

Another department which has been most successful at Munich is that for apprentices. This is due partly to the fact that hand trades still predominate in southern Germany, but also to the well-organized system of co-operation of the schools, labor unions and employers with the exchange.

The operations since 1896 appear in the following table:

	VACANCIES.			APPLICATIONS.			POSITIONS FILLED.		
	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.
1896.....	523	40	563	727	126	853	261	16	277
1897.....	365	74	439	634	104	738	243	35	278
1898.....	447	90	537	731	108	839	250	47	297
1899.....	252	88	340	658	154	812	172	61	233
1900.....	334	114	448	700	167	867	240	71	311
1901.....	337	110	447	629	130	759	196	45	241
1902.....	1,355	137	1,492	1,342	191	1,533	738	67	805
1903.....	2,610	309	2,919	2,381	440	2,821	1,493	191	1,684
1904.....	2,823	396	3,219	2,426	535	2,961	1,765	208	1,973
1905.....	2,698	440	3,138	2,510	584	3,094	1,888	256	2,144
1906.....	2,628	302	2,930	2,535	505	3,040	1,947	230	2,177
1907.....	1,829	279	2,108	2,354	452	2,806	1,560	241	1,801
1908.....	2,050	341	2,391	2,370	444	2,814	1,594	252	1,846
1909.....	1,679	309	1,988	1,829	478	2,307	1,219	187	1,406
	19,930	3,029	22,959	21,826	4,418	26,244	13,566	1,907	15,473

Following are the statistics of the operation of the Munich Labor Exchange since its establishment in 1895:

YEAR.	Applica- tion for work.	Vacancies notified.	Vacancies filled.	Per cent. of applicants who secured work.		Per cent. of vacancies filled.	
				Male.	Female.	Male.	Female.
1895.....	9,661	2,639	1,965	16.7	28.4	83.3	65.1
1896.....	47,008	30,057	25,586	49.1	69.4	93.5	74.7
1897.....	41,002	34,452	28,855	70.5	68.2	88.6	76.4
1898.....	54,994	38,991	32,336	56.5	63.1	87.3	76.3
1899.....	50,472	49,380	39,487	82.5	71.6	89.4	67.1
1900.....	54,357	54,398	44,498	85.6	77.0	91.1	71.2
1901.....	73,307	56,556	45,173	56.8	68.5	89.5	70.9
1902.....	68,441	52,619	40,513	53.4	67.1	84.4	70.3
1903.....	65,448	56,610	42,172	62.1	67.2	84.2	66.1
1904.....	65,758	64,088	46,822	74.3	67.7	85.1	62.3
1905.....	65,507	67,986	49,478	81.7	69.0	87.4	60.3
1906.....	68,092	71,990	53,673	83.1	74.1	86.3	63.7
1907.....	74,415	78,883	60,752	84.1	78.8	84.5	68.7
1908.....	79,843	76,129	60,083	72.2	78.3	87.9	71.0
1909.....	85,572	79,088	64,516	71.3	80.6	89.4	74.0
Total	903,877	813,866	635,909	69.2	72.2	87.6	68.6

The central exchange with its two branches employs twenty-seven people, including a superintendent, and an assistant superintendent, to carry on the work. The total expenses in 1909 (excluding the branch for hotel and restaurant workers) was 43,587 marks, and the average cost for each position secured was sixty-seven pfennig, or about fifteen cents. The Kingdom of Bavaria contributed 7,500 marks toward meeting the expenses of placing people outside the city.

AGRICULTURAL LABOR EXCHANGES.

In southern Germany the public labor exchanges place farm laborers as well as other workmen. In northern Germany there are special employment offices conducted by the Chambers of Agriculture. These concern themselves with securing farm laborers and also with importing contract workers into Germany from neighboring countries for short periods. There is considerable antagonism between the land owners and the city authorities. The former want to control the placing of farm help.

In 1909 there were fifteen labor bureaus conducted by the Chambers of Agriculture. They filled 88,294 vacancies of which 65,101 were for men and 23,193 for women. A majority of both the men and the women were foreigners imported for seasonal work.

Some of the agricultural exchanges have private employment offices in different parts of the country to act as their agents. In Berlin there is also a central office for farm laborers which is conducted by an association of land owners and employment agencies. Its work is mainly to bring laborers from other countries into Germany to work on the farms. For this purpose it has agents in Russia, Austria, Italy and other countries. Of the vacancies filled by the Agricultural labor exchanges in 1909, 12,244 came through this central office.

About half of the labor bureaus conducted by the chambers of agriculture make no charges to workingmen. The others have registration fees from one to twelve marks.

In Berlin there is a labor bureau conducted by the Chamber of Agriculture of the Province of Brandenburg. In this are employed a director, two secretaries, four office assistants, four clerks and one messenger. Very few of the farm laborers placed by the office come to the office. Most of them have to be imported and this is done through agents in foreign countries. There are also some private agencies under the supervision of the Chamber which act as branches of the main office in various parts of the province. There are a great many private employment offices which supply farm help, and they are guilty of great abuses, which has resulted in workmen shunning farm labor. By entering into an agreement with the best of these private offices, to get help through them and by seeing that the work is carried on legitimately, the Chamber hoped to induce more workmen to work on the farms. But in this it has not been very successful. It has had to give up a number of these branch offices.

The Berlin Agricultural Labor Exchange places annually about 8,000 workers, only a small portion of whom (about 600) are for permanent work. Most of them are temporary workers and foreigners imported under contract. About 2,500 more places are filled annually by the agencies of the Berlin office.

An elaborate attempt to shift city labor to the country was made by the Berlin Agricultural Exchange. A great waiting-room with all conveniences was fitted up, much like the public exchange. It cost a lot of money, but was wasted. The good men would not leave the city. Inefficients reported and were sent out, but 90 per cent. of them would not stay in the country and of those that stayed, very few were any good. The plan had to be abandoned.

OTHER LABOR EXCHANGES.

No detailed description of the employment bureaus conducted by employers and by trade unions is necessary. The trade union exchanges are losing ground. Most of them are nothing more than the headquarters of the union, without any organized system of placing men. Employment bureaus managed by joint committees of employers and wage-earners are becoming affiliated with the public labor exchanges. The labor bureaus of the guilds of small employers are still great in number but they do a small business. It is the exchanges of the great associations of employers, such as in the metal trades that are making the greatest progress, surpassing even the public labor exchanges. They are able to do this because the employers agree to hire all their help through their exchanges, and seeing in it a weapon against labor unions, they are willing to spend a lot of money for the work.

The metal trades' employers of Berlin established their exchange in 1890. It was primarily to be used as a weapon against the unions, which at that time were more exacting in their demands and methods than they are now. But also employers were beginning to see the value of a single exchange where all their help could be secured. The business of this exchange has grown tremendously since it started and at present when conditions are so good that workmen might get positions without the aid of the exchange, the amount of business done is growing faster than ever before. In 1907 there were orders from employers for 5,077, in 1908 for 16,000, in 1909 for 16,439, and up to the end of August, 1910, for 21,658. The positions filled in 1909 were 13,708.

There is an office force of fourteen to carry on the work of the bureau. The service is entirely free for the workmen. The employers' association spends about 50,000 marks annually for the work.

The rules of the metal trades' association require that each employer shall report to the labor exchange every day the persons he has hired and discharged. With this information the employer is supposed to send in his order for the workmen he needs. If a firm gets an application direct from a workman which happens very often, the exchange must be notified whether the man is hired or not.

The attitude of this employers' exchange toward the public offices is one of antagonism. In the first place, the employers fear that ultimately all of them might be forced by the government to get their help from the public employment offices. Secondly, they think that the policy of notifying men in time of a strike is really partial to the workmen, and finally they want to have an exchange that can help them in time of strike, and that can also weed out strikers and agitators in time of peace.

PUBLIC WORK FOR THE UNEMPLOYED.

Instead of creating work primarily for the unemployed, the German policy is to manipulate the necessary public work so as to make it available when there are a great number of idle wage-earners. The public labor exchanges furnish the information when public works are needed, and applications for employment on relief works are made through them.

The best method of combining the labor exchanges with the execution of public work in times of dull trade has been developed in Bavaria. In that State, the Minister of the Interior publishes a monthly bulletin, called "The Labor Market in Bavaria." In this are published the statistics of the labor exchanges, reports from workmen and from employers, and any other data relating to the amount of unemployment. Every month an analysis is made from these data of the condition of the labor market. Whenever hard times appear to be imminent, the Minister of the Interior issues a proclamation to the mayors of all cities and to the heads of the various state departments, calling attention to the facts in the bulletin and requesting that plans be made for starting up public works of necessity, which may have been delayed until this time, or which would be needed at some future time. In 1909 the Minister requested that a list of the proposed works be sent to him. This was done and the amount of work which the cities had prepared seemed enough to take care of most of the unskilled labor that was likely to be unemployed. When the winter came it was found that the conditions were not so bad as it was expected they would be. Only half of the work that the city governments were prepared to undertake was begun. The country was prepared for a crisis. The local governments supplied work to most of the un-

skilled laborers who were likely to be in distress during the winter, and they were ready to afford work to double that number.

Most of the German cities plan their work so that every year as much as possible of it shall be left over for the winter. On this work, usually only residents of the town and married men are employed. Usually the city does the work directly, hiring its men from the labor exchange, but sometimes it is let out to contractors. The work is in the main of unskilled labor, such as extending streets, improving parks, building dams, grading street car lines, etc. In some cases the wages paid are below the prevailing rate, but despite this, the cost of carrying on the work in winter is from 30 to 50 per cent. greater than if it were done in summer or spring.

It is difficult to distinguish between relief works begun primarily for the unemployed and ordinary public work postponed till the winter. During the winter 1908-9 about 150 German cities reported having conducted relief works. Most of it, however, was necessary public work. The town of Düsseldorf gave employment to 2,354 persons, and spent 200,000 marks on the work. Cologne employed 1,991 persons, a total of 37,271 working days at a cost of 172,447 marks. In Frankfort from 320 to 370 persons were employed daily during the winter. In Charlottenburg 539, Ellierfeld 694, Magdeburg 590 and Mainz 452 persons were given employment for periods ranging from a few days to two or three months. The works were carried on mainly between November and March.

The sums paid out in wages on these relief works were about 250,000 marks in Berlin, 28,000 in Charlottenburg, 300,000 in Düsseldorf, 400,000 in Frankfort, and about 200,000 marks in Hamburg.

These works, of course, reach only part of the unemployed, the unskilled laborers. But they take care of the most of those who are likely to be left without any means of support. The skilled workers who belong to trade unions in Germany usually have some form of out-of-work benefit.

INSURANCE.

Insurance is the next great step to be taken by Germany in dealing with the problem of unemployment. In Bavaria a plan has already been worked out and the authorities are only waiting until the money can be raised to start it. Many cities throughout the Empire now have insurance schemes under consideration.

Two important experiments have been made in Germany with insurance against unemployment. They are the Municipal Insurance Fund of Cologne and the subsidy granted to trade union funds by the City of Strassburg. Neither of them can be said to have proved successful, but they have pointed out what might be done for certain classes of the unemployed. A third experiment at Leipsic, is not very important. An insurance fund supported mainly by a charitable society has been in existence since 1905, but in 1908-9 it had insured only 227 persons.

The City of Cologne established an insurance fund in 1896. It provides against winter unemployment only. Benefits are paid from December first to March first. The fund was designed primarily for seasonal workers. All casual laborers and persons without regular occupation are excluded. Irregularly employed persons are further excluded by the requirement that premiums must be paid for thirty-four weeks in the year; and a person loses all claim to benefit if he is four weeks in arrears. Persons who have not resided in the city for at least one year are also excluded. The premiums paid are about ten cents per day for unskilled workers and twelve cents for skilled. The benefits are fifty cents per day for the first twenty days of unemployment, and twenty-five cents a day for twenty-eight further days.

The resources of the fund consist of the premiums paid by the insured, the subventions of the city, voluntary donations, and the interest on capital belonging to the fund. The number insured was 1,382 in 1907-8, and of these 1,127 or 81.5 reported themselves as unemployed. The Municipal Labor Exchange found work for 891 of these. The number of days for which benefits had to be paid was 29,899, and the amount paid was about \$12,000. Of this amount less than half (42.5 per cent.) was provided by the premiums of the insured.

This insurance scheme shows the weakness of any voluntary plan. Only the bad risks insure. Those who are steady workers will not come into the fund. On the other hand, those that need help most, the irregular workers who cannot pay the premiums are excluded. It is for these reasons that the Cologne plan of insurance has not spread to other cities.

In Strassburg has been adopted the famous Ghent system of granting additional sums to the out-of-work benefits paid by the trade unions. The subsidy is 50 per cent. of the benefits drawn by members of the union. No one can be entitled to the supplement from

the city who has not been a resident of Strassburg for at least one year; and every trade union is required to keep its unemployed fund separate from its other operations. When a person is referred to work in his own trade he may not draw any benefits. All insured persons are required to report daily at the Municipal Labor Exchange in order to see if they are really unemployed and to get them work whenever possible.

The scheme was commenced on January 1, 1907. The sums voted by the city have been small (less than \$500), for the total membership of the unions having insurance funds is about 4,000 and only a small number of these have been entitled to the municipal subsidy. All of those who are insured belong to the skilled trades and these make up but a small portion of the total number of wage-earners in the city. The unskilled laborers are entirely excluded.

COMPULSORY CONTINUATION SCHOOLS.

No descriptions of the methods of combatting unemployment in Germany would be complete without mention of the *Fortbildungsschule* (continuation schools), although these were not started primarily for this purpose. Chapter 120 of the Imperial Labor Law provides that every person between the ages of fourteen and eighteen who is gainfully employed must attend the continuation school provided in that community; and employers must allow children the time to attend these schools. The various state governments organize the schools and determine how many shall be required. In Prussia six hours per week are required; in Baden only four, while in Bavaria the requirements are from eight to ten hours weekly. These hours of attendance must be in the day time. Evening schools were tried but proved unsuccessful.

The continuation schools have been in existence in Germany for about fifteen years. They are primarily public schools designed to continue the education of the children beyond the fourteenth year. But instead of making this education general it is related directly to the daily work of the children. Classes are organized on the basis of the trades at which the pupils are employed. Whenever there are twenty children of one trade registered in a school a separate class must be provided for that trade. But the schools are not trade schools in our sense of the word. Children are not taught any trade. They learn their trades at their daily employments. In the continuation schools they are taught the history of their trades and the scientific principles upon which their daily occupations are carried on; they are given general training of eye and hand, and they are taught the general branches of study as well. In connection with the compulsory continuation schools there are also maintained voluntary trade schools in which tuition is charged. These trade schools are open both during the day and in the evening.

There are now about 500 of these trade and continuation schools in Germany which are concerned with industry. An equal number relate to agriculture. The city of Munich has the most perfectly developed system of these schools. With a population of less than 600,000 it maintains fifty-two trade continuation schools, with about 3,000 students enrolled. The work of these schools will be made plain if we describe the system in Munich.

When a boy leaves school at fourteen he secures a position largely through the efforts of the labor exchange in co-operation with the school authorities. He then attends the continuation school eight or ten hours per week until his eighteenth year. His employer allows him either one whole day or two half days to go to the school. If he works in a machine shop he attends the continuation school for machinists, if he is learning the barbers' trade he is enrolled in the school for barbers, and if he is in a store he attends the merchant's school. There are schools for every trade, including butchers, gardeners, chimney sweeps, carpenters, architects, etc.

The continuation schools afford a good means of keeping tab on the employers to see if they are teaching apprentices their trades properly. When an apprentice registers in the school his knowledge of his trade is tested; and if it appears that he is not being properly taught, the employer's attention is called to the fact.

The scientific training which German children get in these schools enable them to pass quickly from their own trade to another related one when the demand for labor in the first grows smaller. After his eighteenth year too, the workman can attend the day or evening trade school and thus keep up with the inventions and changed processes of his calling. It is due in a large measure to this system of industrial training and education that Germany owes her industrial progress. The great oversupply of unskilled wage-earners and the unemployables so common in England and in our own large cities have been also reduced by Germany's system to very small proportions.

SWITZERLAND.

LABOR EXCHANGES.

Eleven cities in Switzerland conduct free labor exchanges. In 1905 the Swiss exchanges formed an association for the purpose of promoting uniformity in methods and also to facilitate the transfer of men from one locality to another. The labor bureau of Zurich acts as the central office of this association. It receives from each local exchange reports of the vacancies unfilled. These are listed twice a week and distributed among all the exchanges of Switzerland and the neighboring countries. The central office also deals with the Federal and Cantonal authorities on all matters relating to the distribution of labor. Since 1905 a workman sent to a distant place by a labor exchange receives a reduction of 50 per cent. in the fare from the government railways.

In 1909 a law was passed by the Swiss Parliament providing subsidies for the municipal labor exchanges. The Federal Government will make grants on certain conditions. To receive a subsidy a municipal exchange must make its service free to both employers and workmen; it must deal with all classes of labor including domestics and farm workers; its management must be in the hands of a joint committee of employers and wage-earners and neutrality must be maintained in labor disputes. Other requirements are: regular compilation of statistics; uniform methods of working; membership in the Union of Swiss Labor Exchanges and co-operation with the central office.

The subsidy for the public labor exchanges is 44,000 francs. Out of this all the expenses of the central office are paid, and half the expenses incurred by the Association of Labor Exchanges. Local offices may receive grants not exceeding one-third of their working expenses. The expenses of the central office in 1909 was about 3,000 francs.

Besides the 44,000 francs for the public exchanges, 6,000 francs are set aside to subsidize trade union labor bureaus that may come under the conditions of the Act.

The business methods of the Swiss exchanges are much the same as the German, and need no separate description. In the following table appear the combined results of the operations of municipal labor exchanges in Switzerland:

OPERATIONS OF SWISS LABOR BUREAUS, 1909.

EXCHANGES.	APPLICATIONS FOR WORK.		Total.	VACANCIES NOTIFIED.		Total.	Vacancies filled.
	Men.	Women.		Men.	Women.		
Basel.....	11,616	4,253	15,869	8,629	5,502	14,131	11,603
Zurich.....	13,440	2,278	15,718	8,334	2,956	11,290	8,103
Berne.....	9,292	3,142	12,434	7,100	4,251	11,351	7,648
Geneva.....	5,201	2,943	8,144	5,584	3,996	9,580	6,532
St. Galle and Rorschach.....	7,071	2,213	9,284	4,647	3,547	8,194	3,663
Other six exchanges.....	7,456	3,525	10,981	5,695	4,215	9,910	6,422
Total.....	54,076	18,354	72,430	39,989	24,467	64,456	43,971
1908.....	54,366	17,426	71,792	37,685	23,171	60,856	40,215
1907.....	50,984	18,051	69,035	44,063	25,903	69,966	46,313
1906.....	50,242	16,297	66,539	59,647	22,862	62,509	39,715
1905.....	41,251	18,104	59,355	36,496	28,120	64,616	44,243

Out of 64,456 vacancies notified to the exchange in 1909, 43,971 were filled, that is 68 per cent. It appears also that for every 100 positions filled there were 165 applications for employment.

In 1908, of the total vacancies filled, 21.2 per cent. represented people sent from one locality to another, and 82.4 per cent. were permanent positions. The figures for 1907 and 1908 follow:

SWISS LABOR EXCHANGES — VACANCIES FILLED.

YEAR.	Placed locally.	Inter-locally placements.	Total.	Permanent.	Temporary.
1908.....	31,712	8,503	40,215	33,142	7,073
1907.....	38,675	7,638	46,313	36,127	10,186

The Swiss exchanges are small affairs compared to those we saw in Germany. The one in Zurich has an office force of six including the superintendent, and he devotes part of his time to the management of the central office for Switzerland. The Zurich exchange places about 8,000 persons annually at a cost of about 20,000 francs. The cost per position is therefore about fifty cents, which is much greater than that of Munich. A small office always has a higher cost per position than a large one.

In Basel which has a higher proportion of vacancies filled to vacancies notified than the Zurich exchange the expenses in 1909 were about 15,000 francs.

About 11,500 vacancies were filled, making a cost of one and one-third francs per position. This is about half of what it cost in Zurich.

INSURANCE.

All the schemes of insurance against unemployment, compulsory, subsidies to trade union benefits, and even plain grants to the unemployed have been tried in different cities of Switzerland. A complete description of these schemes will be found in the Annual Report of the United States Commissioner of Labor which has just appeared. We mention here briefly only the systems in operation in the three cities which we were able to visit.

ZURICH.

The City of Zurich in 1894 began a system of aid to the unemployed ("Arbeitslosen Unterstützung"), which is aimed at helping those who are without work and cannot support themselves. There are no premiums but the city gives 40,000 francs annually to distribute among the unemployed and it impresses the fact on the public that this is not charity, but the man's due; and none of the consequences of the receipt of charity, such as loss of the suffrage, follows the receipt of this aid. The managers of this fund prefer a good system of unemployment insurance, but up to the present time, none has been discovered which helps those who need help most, and this aid to the unemployed is considered best. Zurich is watching the experiments of other cities with the idea of establishing the system of insurance which proves successful.

An unemployment commission which is appointed by the Stadtrath of Zurich, manages the unemployment fund. The commission is unpaid, but there are two employees in the office, and one or two investigators who visit families and employers in order to verify the applicant's statements. The commission is composed of representatives of employers and workmen's organizations, charitable societies and several departments of the city government. The aid is granted only during the months from November to March.

The applicant fills out a blank and when it is verified that he has not been able to work through the labor exchange, his family is visited and then the employer. If his record is good he receives 80 centimes per day for every adult in his family, and 40 centimes for each child. This may run on for six weeks, after which the amount is reduced 25 per cent. for four more weeks, when it usually ceases, though in rare cases aid is granted for the remaining two weeks, reduced 50 per cent. from the original grants. Those only are eligible who are citizens of Zurich and have worked steadily six months prior to their application. Non-citizens must have worked in Zurich at least nine months before they can receive aid. The relief granted by the commission is seldom in money, but usually consists in the payment of rent, orders on stores for food, clothing, etc.

During the last year for which a report is out, 1908-9, about 500 persons were given relief from the Unemployment Fund. With those dependent on them a total of 2,000 persons received help. The average length of time during which the weekly grants continued for each person was about thirty days.

BERNE.

During the industrial depression of the early 1893, the trade unions established an insurance system particularly for unskilled laborers. They made application to the city for subvention. The city decided that it would give no subvention, but would take the whole insurance plan over and manage it as a city enterprise.

It is run in connection with the labor exchange. A sub-committee of the commission which manages the exchange, looks after the insurance department. An insurance fund is made up by grants from the city, premiums of the insured, and voluntary contributions by employers and others.

The insured are divided into two classes, the skilled and the unskilled. The former pay one franc fifty centimes, and the latter pay one franc per month premium. In return unskilled men may draw, when unemployed, one franc fifty centimes if unmarried, and two francs fifty centimes per day if married. Skilled men may draw two francs if single and three

francs if married. The benefits run only for sixty days. In exceptional cases ten days more are allowed.

There are now about 600 persons regularly insured every year. When the scheme was started in 1893, about 300 insured themselves. This rose in a few years to 600 and has remained about that ever since. Formerly the majority were unskilled men, because the rates were lower for them. Also the benefits were granted formerly during the three winter months. Now, however, since the rules have been changed, and the skilled men are in the majority, the system of paying benefits at any time of the year has been started. About 300 of those insured receive benefits every year. Very often it is the same workmen who come for the insurance year after year. But if they are lazy, they are soon found out by an offer of a position through the exchange and by inquiry of the former employer as to the reasons for the man's quitting work.

Although only 600 out of a population of nearly 80,000 insure themselves, the managers consider Berne's insurance system a complete success. It might not do for other cities, but it is the best for Berne. Theoretical discussion of risks, etc., do not apply to unemployment insurance. The city would have to spend money on relief works, charity, etc. Here it helps the workmen to help themselves. Berne pays annually 12,000 francs into the insurance fund. This with the premiums has been more than sufficient to meet all demands. There is now a reserve fund of 53,000 francs in the treasury. For two years at least the city could meet the demands of all those whom it insures. It may be that this system works only in Berne because there are no great industries there. There has been no great amount of unemployment there in ten years past. The fund, however, would be able to stand a long strain on it.

The policy is not so much to give men insurance as to find them work. An unskilled man must take whatever work the labor exchange offers him. A skilled man is not held to that. When the labor exchange finds there is not enough work it informs the city of the fact, and asks that public works be begun. Only when all opportunities for work have been tested and none could be found is insurance granted. Employers are even asked to find jobs for unemployed men, and in some cases they do so.

The building trade employers, association of Berne voted many years ago to contribute to the insurance fund, a gift each year, equal to the amount paid in by individuals working in the building trades. This amounts to about 1,000 francs per year.

BASEL.

For nine years up to May 1910, the Canton of Basel has a system of grants to the unemployed similar to that of Zurich. Experience showed, however, that it had a bad effect on the recipients. The same applicants returned year after year. The scheme seemed to encourage begging. A study of the various systems of unemployment insurance was therefore made and in December 1909, a law was passed establishing a cantonal insurance fund and providing also for subsidies to trade union funds.

The projectors of the insurance scheme would have preferred a compulsory system of unemployment insurance with the three parties, employers, workmen and the canton contributing to it. But such a scheme was drafted about nine years ago, but was voted down by a referendum vote of the people. Employers, of course, were against it and the skilled workmen fearing that they would have to support the unskilled opposed it too. Therefore in drafting the present system it had to be made voluntary.

Any wage-earner over 17 years of age who has been a resident of the canton may become a member of the Insurance Fund. The dues are graded according to the earnings of the insured, not according to trade or number of dependents. Persons earning

4.50 francs or less pay 60 centimes per month
 from 4.50 to 5.50 francs pay 80 centimes per month
 over 5.50 francs pay 1 franc per month.

The benefits paid are graded according to the earnings and the conjugal condition of the insured.

DAILY EARNINGS.	BENEFITS PAID.	
	Single.	Married.
Less than 4.50 francs.....	1 franc per day.....	1.60 francs per day.
From 4.50 to 5.50 francs.....	1.20 francs per day.....	1.80 francs per day.
Over 5.50 francs.....	1.40 francs per day.....	2 francs per day.

These daily rates are paid for thirty-five days. If the workman is idle for a longer time, he may receive half these amounts for thirty-five days more. No one can draw benefits for more than seventy days in one year.

The expenses of the fund are met by the premiums paid, grants from the canton and by voluntary contributions. The canton assumes all administration expenses and if the amount collected in premiums is not enough to pay the benefits due, it makes up the deficit. Besides this the canton makes grants to trade unions which pay out-of-work benefits, and which submit to the conditions laid down by the government.

The short experience with the present system shows encouraging results. There were only three unions who carried benefit funds prior to May, 1910, when the present law went into effect. Since that time three or four other unions have established unemployed benefits. Also the union members whose organizations have no benefits are joining the city fund, and the union gets the stamps for monthly dues from the city, then selling them to the individual members.

The insurance fund is managed by a committee of eleven members, five members appointed, one from each political party, and five members elected by those insured in the city fund, with a city official as chairman. The first election resulted in choosing five social democrats for the elective members. This gives the fund the complete confidence of the workers, and is what the projectors of the scheme desire. The employers are rather indifferent to the system. Their interests are not affected very much since the contributions of the canton is not very great.

Among the trade unions a total membership of 200 to 2,500 are now insured against unemployment, and thus far 500 have come into the Insurance Fund of the canton.

The insurance of those who are not in the trade union organizations is run in connection with the local labor exchange. They must report every day at the exchange and unless they do, they cannot receive benefits for that day. On all work which the exchange can supply members of the organization funds, whether with the canton or in an organization, are given preference. These are put to work first and if they can get work they do not receive benefits. However, a skilled man is not forced to take unskilled work.

The grants to the unemployed which were formerly made during the winter months will now be discontinued. The Charity Department of the city also will hereafter grant no aid to those who are in distress from unemployment unless they are insured against unemployment. Where necessary the insurance will be supplanted by additional help to the family however. Many notices have been made public of these decisions of the city authorities, but the people who are most likely to need help are not insuring themselves. In the winter they will come for relief as usual. Then they will not be given any. In time it is hoped to make them provide a little at least during the summer for the hard times which they have in winter.

BELGIUM.

Public Labor Exchanges are not well developed in Belgium. A majority of them are still in the hands of private associations receiving subsidies from the government. Where the exchanges are publicly owned they are often subject to political influence. Belgium has paid the most attention to insurance against unemployment. The system of granting subsidies to trade union out-of-work funds was originated in Ghent and has spread throughout the country.

LABOR EXCHANGES.

In 1904 the Belgian Government passed a law providing subsidies for municipal labor exchanges or others of a public nature. There were then in existence five municipal bureaus and seven philanthropic ones aided by city funds. The conditions upon which the government subsidies were granted were (1) that the exchange be under the joint management of a committee of employers and employees, and (2) that annual reports be made to the National Labor Office. In 1909 subsidies to the amount of 10,794 francs were distributed among fourteen labor exchanges. Six of these were managed by municipalities, and eight by philanthropic associations.

The progress from 1904 to 1909 is shown in the following table. It will be seen from the percentages of vacancies filled that the efficiency of the exchanges has not been improved much:

BELGIAN LABOR EXCHANGES.

YEAR.	Number.	Vacancies notified.	Applications for work.	Vacancies filled.	Proportion of vacancies filled to vacancies notified.
1904	10	13,303	20,461	7,996	60
1909	17	27,970	51,576	18,735	67

Following are statistics of the operations of each of the Belgian labor exchanges in 1909:

OPERATION OF LABOR EXCHANGES, 1909.

EXCHANGE.	APPLICATIONS FOR EMPLOYMENT.			VACANCIES.			POSITIONS FILLED.			Per cent. of applications filled.	Per cent. of vacancies filled.
	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.		
Alost.....	105	.....	105	107	.....	107	76	.....	76	72	71
Anvers.....	4,031	770	5,401	3,011	570	3,581	2,640	403	3,043	56	85
Bruges.....	645	.....	645	432	.....	432	408	.....	408	63	94
Bruxelles (rue du Lomb.).....	8,511	1,287	9,798	3,966	1,195	5,161	2,952	627	3,579	36	69
Bruxelles (rue du Boulet).....	2,856	.....	2,856	1,627	.....	1,627	1,167	.....	1,167	41	72
Eecloo.....	96	68	164	170	106	276	189	115	504	185	110
Gand.....	4,350	1,212	5,562	3,188	1,082	4,270	2,348	762	3,110	56	73
Huy.....	162	143	305	47	57	104	15	28	43	14	41
Liège (pl. St. Barthélémy).....	8,738	2,220	10,958	3,537	1,114	4,651	2,080	489	2,569	23	55
Liège (Hors-Château).....	5,195	1,252	6,447	1,932	680	2,612	1,128	408	1,536	24	59
Louvain.....	1,780	196	1,976	814	139	953	527	56	583	29	61
Malines.....	1,704	22	1,726	161	15	176	136	6	142	8	81
Mons.....	1,666	1,718	3,384	729	1,169	1,898	411	676	1,087	32	57
Pâturages.....	146	590	736	300	376	676	37	357	394	53	58
Renaix.....	140	14	154	82	5	87	32	5	37	24	42
Saint-Nicolas.....	406	130	536	354	234	588	211	131	342	63	58
Schaerbeek.....	671	33	823	589	182	771	209	106	315	38	41
Totals.....	41,802	9,774	51,576	21,046	6,924	27,970	14,566	4,169	18,735	36	67

Very little co-operation exists among the various labor exchanges. There is no central office and this explains why Belgian exchanges are lagging behind those in other countries. No special effort is made to deal with juvenile labor and few workmen are sent to the country. In recent years, however, they have begun to copy German methods and they are likely to make greater progress in the future. In March, 1910, the number of exchanges recognized by the government had increased to twenty-four, and the Belgian Parliament was asked to raise its subsidy to 20,000 francs.

In Ghent we found a municipal labor exchange managed by a general committee composed of members from all employers' and workmen's organizations in the city. This committee elects an executive committee made up of an equal number of employers and wage-earners to carry on the work.

Up to a few years ago the Ghent exchange was conducted by a philanthropic association. It was reorganized and made a city institution after a study of the German exchanges was made. All the office force are now appointed after an examination. There are but two departments, one for men and one for women, and the office force is composed of five, three men and two women. It is proposed to extend the work of the bureau so as to organize separate departments for the different trades. Up to the present, however, the exchange has not done a business large enough to warrant this. The workmen are, on the whole, favorable to the work of the exchange, but the employers are still indifferent. A new manager has recently been put in the bureau, and it is hoped that he will win the confidence of the employers. The methods of doing business is quite like the German exchanges. All the work is done on the spot. Orders are filled from workmen who are in the waiting-rooms. Seldom are they notified by mail. Every person is registered and receives a registration card which must be given up when he is sent to an employer with an introduction card. If he does not get the position, the registry card is returned to him.

The exchange finds places for about 3,000 people annually. Its proportion of vacancies filled to vacancies notified are among the highest in Belgium, being 73 per cent.

Brussels has a semi-public labor exchange conducted by a private society. The city provides the quarters for the exchange, and a number of the suburban communes unite with it in subsidizing the work. Small grants are also given to the exchange by the government of the province in which it is located, and by the national government. The Burgo-master of Brussels is the chairman of the committee of employers and workmen which manages the exchange.

The Brussels office has but two departments, one for men and one for women. Two men are employed in the male department and two women take care of the female department. The exchange places about 4,000 persons per year, at a total cost of about 7,000 francs. The society which maintains it pays about half the expenses. The rest are made up by the subsidies and by an annual lottery which brings in from 1,000 to 2,000 francs. The office force of the exchange is selected by the managing committee.

INSURANCE.

The recent report of the United States Commissioner of Labor on Workingmen's Insurance, describes in detail the workings of the Belgium Unemployment Funds. We shall mention here only a few of the principles of the system which were pointed out to us by its originators in Belgium.

The Ghent system of unemployment insurance was organized in 1901.¹ It is not a subsidy to trade unions as some of the recent laws passed in other countries are. It is merely a subsidy to any individual who will put by something for times of unemployment. A workman insured in a trade union fund may get this subsidy, as a workman who insures in any other way. The subsidy is paid on the amount of money the workman draws in insurance, usually about 50 per cent., but never more than one franc a day or six francs a week. As a matter of fact, however, it has worked out that only members of trade unions receive the subsidy. The others do not insure. It was thought that they would save in the city savings banks, but they do not. The city does not grant any subsidy to trade unions as such, but it is willing to help individual members who insure against unemployment. It is possible, however, for the trade unions to advance the money to the individual and to have the subsidy given to them later in the form of a refund. This is now generally done.

The insurance fund is managed by a committee composed of members of each political party, representatives of the various communes that have joined in the fund, and by representatives of the unions who have unemployment benefits. The effect of the funds is to increase the strength of the trade unions. When the system of subsidies by the city was started there were only a few unions which carried unemployment benefits. Since then the number of unions with funds has very greatly increased.

The Commune of Ghent voted 10,000 francs in 1901, the first year, to subsidize unemployment benefits. In 1902 it voted 15,000 francs. The following year three suburban communes joined in giving subsidies with Ghent and together they gave 20,000 francs. The following year 15,000 francs only were voted because it was thought 20,000 was too much. The city said if more would be needed it would vote more. During 1905, 1906 and 1907, 20,000 francs were granted in subsidies each year. In 1908, the Commission which manages the fund, asked the city for more money, but only 20,000 francs were granted with a promise of more. The crisis brought on a great amount of unemployment and 14,000 francs more were voted. This was exhausted and the city gave 6,000 francs more, making 40,000 in all for that year. During the same year, three other suburban communes joined the fund making seven in all. The following year the city decided that it was too much to give 40,000 francs at once. Therefore it lays aside 5,000 francs each year now to meet the needs of years of crises. Since then the subsidies have amounted to 30,000 francs annually, with 5,000 francs additional laid aside each year for emergencies.

The rules of the Communal Fund in Ghent permits the committee to pay up to 100 per cent. of what the insured person gets in benefits; but instead of paying all of this at once, it gives 60 per cent. at first and the other 40 per cent. is held in a fund to pay such workmen as have secured all they are entitled to from the union and are still in need. The union usually pays only for thirty-five days. The city's rule is that a man may receive benefits for sixty days. The fund created by the 40 per cent. is used in paying men benefits during those additional twenty-five days.

The Ghent system has spread rapidly throughout Belgium. Every city of 35,000 now has such a fund, and the number of members as well as the amount of payments are steadily increasing. The National Government grants a subsidy to the administration of each communal fund and also 50 per cent. of the amount paid out in unemployment benefits. The government of each province also contributes to the communal funds, and to registered trade unions, paying benefits which are not affiliated with the communal funds.

APPENDIX III.

PUBLIC EMPLOYMENT OFFICES IN THE UNITED STATES.

Public employment offices are bureaus established for the purpose of bringing together wage-earners seeking employment and employers seeking help. Their services are free both to employers and to workers, the expenses being met either by the state or the municipalities, and sometimes by both.

The accompanying chart tells the story of public employment offices in the United States. There are now in existence sixty-one such offices distributed over nineteen States. All but seven of them are conducted by the State governments. In Seattle, Tacoma, Spokane and Everett, Washington; Butte and Great Falls, Montana; and Newark, New Jersey, the offices are conducted by the municipalities.

The State of Ohio took lead in establishing free employment offices. In 1890 its legislature passed a law creating an office in each of the important cities of the State, Cincinnati, Cleveland, Columbus, Dayton, and Toledo. Following the depression of 1892, a number of other States and cities established employment offices, but up to 1900 the movement was slow, experimental, and not very successful on the whole. Within the last ten years, however, many States have studied the subject. They have framed up laws more carefully, increased the appropriations for the work, and in other ways have attempted to promote the efficiency of the offices.

All but a few of the public employment offices now in operation have been established since 1900. Illinois and Wisconsin opened their first offices in 1899; now there are four in the former and six in the latter State. The Commissioner of Labor of Missouri organized a free employment office at St. Louis in 1899 without legislative authorization; since then the State has passed a law establishing three offices. Minnesota began with a municipal office in 1901. This was taken over by the State and two others have been created. Kansas passed its Free Employment Bureau Law in 1901, and the same year Connecticut established five offices. Massachusetts began with the Boston office in 1906, and since then offices have also been opened in Springfield and Fall River. Michigan passed a law establishing two offices in 1905. Three more were added in 1907, and the legislature of 1909 added three more making eight in all. Oklahoma has recently established three offices, Rhode Island and Indiana one each, and in Newark, N. J., a municipal office was organized two years ago.

The conditions which have led to the establishment of these free employment offices have varied in the different States. In most cases the abuses of the private employment agencies have been powerful arguments for the establishment of public offices. The lack of farm labor in the agricultural States, and the presence of large numbers of unemployed wage-earners in the industrial centers have greatly helped the movement. The growing belief that it is the duty of the State to prevent idleness as far as possible, and the example of foreign governments and neighboring States, have also been important causes.

Where the State conducts the employment offices, they are usually connected with the Bureau of Labor and the Commissioner of Labor is the responsible head. In Kansas the office of "Director of Free Employment" has been created.* Where the bureau is maintained by a municipality the superintendent is usually responsible directly to the mayor. In Newark, New Jersey, the city clerk conducts the free employment bureau.

The office force including the superintendent is in most cases appointed by the Commissioner of Labor who also has the power of removal. A few states give power of appointment and removal to the governor. The mayor with the approval of the City Council usually appoints the staff in the municipal employment offices. In Tacoma the Mayor appoints the superintendent upon recommendation of a commission representing the City Council, the Chamber of Commerce, and the trade unions; while in Seattle a civil service examination is required. The selection of the staffs in the three Massachusetts offices is also by civil service examinations.

The size of the office force is in most States limited by law, and this has been a great weakness in the public employment offices of the country. The general rule is to have a superintendent and one clerk, while in some States only a superintendent is provided for each office. Massachusetts alone has no legal limit to the size of the staff and the Boston

* See p. 117 *infra*.

office has besides the superintendent, eight clerks and a caretaker. In Illinois a superintendent, an assistant and a clerk is appointed for each office. Four States, Indiana, Maryland, Nebraska and West Virginia require the Commissioner of Labor to conduct a free employment office in the office of the Bureau of Labor, usually with the same office force.

The salary of the superintendent is in no State more than \$1,500 per annum. From \$1,200 to \$1,500 is usually paid. In a few of the smaller offices the salary is \$900. Clerks are paid from \$600 to \$1,000, and where there are chief clerks or assistant superintendents the salary is from \$1,000 to \$1,200.

Office methods vary greatly in different States and even within the same States different offices use different methods. Most of the laws require that there shall be separate rooms for men and for women. Only one office, that of Boston, has further divisions into departments for skilled and unskilled workers.

In Indiana, Kansas, Maryland, Nebraska, New Jersey, and West Virginia, practically all the applications for employment as well as for help are made by mail. This mail order system is necessary where no appropriation is made for fitting up and maintaining free employment offices, and where the work has to be carried on in the rooms of the Bureau of Labor Statistics or the City Clerk. No efficient system of bringing together the supply of labor and the demand can be carried on by mail alone. In Iowa, and in Montana, where offices were given up, the mail order system was used; and the least successful offices now in existence are those which conduct a mail order business.

The laws generally stipulate that records shall be kept of the name, address and character of work or help desired by the applicants. A few States require that a separate register be kept giving age, sex, nationality, duration of unemployment, etc., of each applicant, but this is not to be open to public inspection, and it is not obligatory on any applicant to give this information. In Massachusetts the Bureau of Statistics must devise the forms for keeping the records of the employment offices.

There is little uniformity, and practically no co-operation among the various offices, even within a State. Hardly in any office are all the applicants registered. In many cases employers' applications are not taken if the help they want is not available, and there is a general practice of not registering applicants for employment unless there is some work to which they can be referred. This makes the statistics of the public employment offices very unreliable. It makes the proportion of applicants for whom work is found and the proportion of vacancies which are filled very high, and gives no idea of the actual supply of labor and the demand for help. The statistics of the number of positions filled are also not very reliable. The methods of finding out whether the men sent to employers have secured the positions are lax in many cases and in few offices are they alike. The most efficient scheme has been devised in Boston, where a clerk verifies every position filled by means of the telephone or by mail.

The superintendent of each office is required in some States to make weekly reports to the Commissioner of Labor of the applications for employment and for help. The Commissioner must publish these and distribute them throughout the State. This work has not been very successful, the results seldom justifying the expense. In most States the superintendent makes monthly reports to the Commissioner of Labor who publishes them in his annual report.

The policy of the public employment offices in times of strike is shaped by their official heads. The first laws of Illinois and Wisconsin contained clauses prohibiting the superintendents from supplying help to employers whose workmen were on strike. These clauses were declared unconstitutional by the courts. In many States the trade unions have secured the appointment of their men as commissioners or superintendents to look after their interests. Thus labor men have been favorable on the whole to the free employment offices, while employers have rather opposed them. In Massachusetts the applicant is informed of the existence of a strike by having his introduction card stamped to that effect. Then he may apply for the position or not, as he sees fit.

The total number of places found annually for wage-earners by the public employment offices is about 300,000. The cost varies greatly. In Seattle, Washington, where the office places large numbers of unskilled workers in hop fields and lumber camps, the cost per position secured is only four cents. In some of the smaller offices the cost is as high as two, three, and even four dollars per position secured. The average expense of finding a position for an applicant in most offices, however, is less than \$1.

Illinois spends more money than any other State for employment bureaus. It appropriates annually over \$40,000 for the maintenance of its six offices. Massachusetts spends about \$20,000 annually on its three employment offices. In three of four States the law stipulates that not more than \$10,000 shall be appropriated for this work, and in about

half a dozen States the expenses for the free employment offices have to be met from the appropriation for the conduct of the Bureaus of Labor. Massachusetts and Illinois, which have the largest appropriations are doing the most effective work.

CALIFORNIA.

In California there have been three public employment offices, two municipal and one State, but all of them have been discontinued. The trade unions of Los Angeles organized a free employment office in 1893, which was taken over by the city. In 1904 the plan of charging a registration fee of twenty-five cents was inaugurated. This seemed to bring good results, but a few years later the office was discontinued.

The Commissioner of Labor organized a free employment bureau in San Francisco in 1895 without any legislative authority. Its expenses were paid out of the contingent fund of the State Bureau of Labor Statistics. The Commissioner thought that the results would convince the legislature of the necessity of supporting a free employment department. No appropriations were made, however, and the office was given up in 1897.

The city of Sacramento passed an ordinance in 1902 creating a municipal labor bureau with a Commissioner in charge. His duties were to be simply those of a superintendent of an employment office. This bureau also was abolished after a few years.

COLORADO.

There are three public employment offices located at Denver, Pueblo, and Colorado Springs. The law establishing these was passed in 1907. It provides a superintendent for each office and one assistant. The salary of the former is \$1,200, of the latter \$1,000. Besides the salaries the legislature appropriates annually \$2,000 for rent and all other expenses of the three offices. This allows only \$666 for each office which is far short of the amount needed to carry on the work efficiently. Especially is this true of Denver where rents are high. The following is from a letter from the superintendent of the Denver office:

The Colorado Springs Office has been the best conducted, and it now has driven all but one of the private offices out of business in that town. * * * The first six months my assistant and I were in this office the cost per job averaged thirty-three cents. We have reduced this average to something like twenty-five cents per job the last three months, this by reason of our having done a much larger business at practically the same cost to the State. * * * My report for May (1910) was as follows:

	Applications for appointment.	Positions secured.
Males.....	2,335	768
Females.....	130	93
Total.....	2,465	861

The law requires the Commissioner of Labor to publish a weekly report of the work of the three offices and to distribute it throughout the State, but this has been discontinued on account of the expense.

CONNECTICUT.

Five free employment offices were established in Connecticut by a law passed in 1901. These are still in existence. Each office is in charge of a superintendent who is appointed by the Commissioner of Labor. No clerks or other assistant is provided, and the superintendent has to carry on the work alone. The salary of the superintendent is \$1,500 per year, and besides this about \$500 is available for the expenses of each office. The total appropriation for the five employment bureaus is \$10,000 a year, and all of this is usually spent.

The cities in which the offices are located are: Bridgeport, Hartford, New Haven, Norwich and Waterbury. The operations of these offices for the year ended November 30, 1909, were as follows:

	APPLICATIONS FOR EMPLOYMENT.			APPLICATIONS FOR HELP.			SITUATIONS SECURED.		
	Males.	Fe- males.	Total.	Males.	Fe- males.	Total.	Males.	Fe- males.	Total.
Hartford.....	2,573	2,387	4,960	1,535	1,839	3,374	1,397	1,444	2,841
Bridgeport.....	1,329	2,206	3,535	879	2,356	3,235	809	1,890	2,699
New Haven.....	1,340	1,398	2,738	848	1,135	1,983	721	903	1,624
Waterbury.....	1,028	1,528	2,556	765	1,490	2,255	702	1,205	1,907
Norwich.....	382	277	659	250	298	548	176	236	412
Total.....	6,652	7,796	14,448	4,277	7,118	11,395	3,805	5,678	9,483

Of the male applicants for employment 57.2 per cent. were supplied with situations against 51.9 per cent. during the year 1908.

Of the female applicants for employment 72.8 per cent. were supplied with situations against 69.6 per cent. during the year 1908.

Of all applicants for employment 65.6 per cent. were supplied with situations against 62.9 per cent. during the year 1908.

Of the total number applying 83.2 per cent. were furnished with help against 88.2 per cent. during the year 1908.

Assuming the \$10,000 appropriation to have been spent the average cost of a position secured was \$1.05. This seems high because of the higher cost in Norwich where only 412 positions were secured. The average cost per position secured by the other four offices was eighty-eight cents; and in the two largest cities, Hartford and Bridgeport, it was only seventy-two cents.

The proportion of positions secured to applications for employment or for help can not be relied upon because all applicants are not registered. Unskilled laborers, particularly farm help and women domestics, make up the bulk of the applicants at all the employment offices.

ILLINOIS.

The law creating free employment offices in Illinois was passed in 1899. This was declared unconstitutional in 1903 because of the section which prevented the offices from supplying workmen to employers in times of strikes. The same year a new law was passed establishing three offices in Chicago and one in Peoria. In 1907 another office was opened in East St. Louis, and the sixth in the State was established in Springfield in 1909. The governor appoints upon recommendation of the State Board of Commissioners of Labor, a superintendent, assistant superintendent and a clerk for each office. Their term is two years unless sooner removed for cause. Either the clerk or the assistant superintendent must be a woman. The salaries are \$1,500 for the superintendent, \$1,200 for the assistant, and \$1,000 for the clerk.

There is no specified appropriation but the law states that the salaries together with the proper amounts for defraying the necessary costs of equipping and maintaining the offices will be provided. For 1908 the last year for which a report has been issued the amount appropriated by the legislature exclusive of the cost of equipment, was \$38,610. This was divided among five offices as follows:

Chicago:

North Side.....	\$8,250 00
South Side.....	10,020 00
West Side.....	7,800 00
Peoria.....	5,920 00
East St. Louis.....	6,620 00
	\$38,610 00

The following table shows the combined work of the five offices for the year ending October 1, 1908:

OFFICE.	APPLICATIONS FOR EMPLOYMENT.			APPLICATIONS FOR HELP.			POSITIONS SECURED.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
Chicago:									
North Side.....	4,678	3,860	8,547	3,509	3,598	7,107	3,463	3,334	6,797
South Side.....	9,614	3,456	13,070	9,422	5,049	14,471	7,724	3,043	10,767
West Side.....	7,778	3,662	11,440	4,814	3,073	7,887	4,761	2,441	7,192
Peoria.....	6,916	2,484	9,400	5,976	2,575	8,551	5,548	2,054	7,603
East St. Louis.....	1,705	1,211	2,916	1,444	993	2,437	1,432	946	2,378
Totals.....	30,691	14,682	45,373	25,165	15,288	40,453	22,918	11,818	34,736

The cost per capita of filling the 34,736 positions was \$1.11. This was almost double the cost for 1907, the increase being due to the industrial depression. The following table shows the per capita cost for each office:

Location of office.	Cost per position secured.
Chicago:	
North Side.....	\$1 21
South Side.....	93
West Side.....	1 08
Peoria.....	78
East St. Louis.....	2 78
The five offices.....	\$1 11

Unskilled laborers make up the great majority of the applicants for employment, and of all those placed in positions. For the nine years ending November 30, 1908, the statistics of skilled and unskilled workers in all the offices were as follows:

	Applications for work.	Applications for help.	Positions secured.	PERCENTAGES OF APPLICATIONS FILLED.	
				Employment.	Help.
Skilled.....	47,340	33,507	26,713	56.43	79.72
Unskilled.....	363,760	384,105	329,498	90.58	86.04
Totals.....	411,100	417,612	356,211	86.65	85.30

The percentages of applications filled are not reliable because all applicants were not registered. This defect was remedied in the spring of 1910. Since then an attempt is made to register all applicants and a list is kept of those who decline to register.

INDIANA.

The Indiana law authorizing the Chief of the Bureau of Statistics to establish a free employment office went into effect April 10, 1908. No appropriation was made for this purpose, but it was provided in the bill requiring every private employment agency to pay \$25 for a license, that the license fees may be used for maintaining a free employment bureau. It was not till September, 1909 that enough money had been accumulated from these fees to start the new work.

The first quarterly report of the free employment bureau, covering the months of October, November and December, 1909, gives the following results:

	Applications for work.	Help wanted.	Positions filled.
Men.....	1,183	404	315
Boys.....	367	126	125
Women and Girls.....	189	44	23
Totals.....	1,639	574	463

The Chief of the Bureau of Statistics asked for an appropriation to extend the operations of the free employment office and to make it more efficient. The work thus far has been carried on mainly by mail.

IOWA.

The Commissioner of Labor of Iowa in his report for 1890-1, recommended that he be authorized to maintain a free employment agency. A bill was introduced in the next legislature to carry out this recommendation, but it failed to pass. The Commissioner then on his own responsibility undertook to organize a free employment office. The result was a total failure. It seems that while applications for work were numerous, no applications for help were made at the bureau. This was probably due to the opposition of the manufacturers who in 1905, caused to be defeated another bill to establish free employment offices in the State. The Commissioner of Labor might have overcome opposition as has been done in other States, if he did not have to rely entirely upon the mails for carrying on the work. No employment office in the United States has proved successful which has not had an office to which employers and workmen could come in person and which has not had a force big enough to allow the superintendent to canvass employers for business.

KANSAS.

In Kansas the law of 1901 created a free employment bureau, under the supervision of a "Director of Free Employment," who is appointed by the Governor. His salary is \$1,200 a year and he holds office for two years. Each city of the first and second class is required to establish an agency of the State free employment bureau, but it is provided that the mayor and council of any second-class city may by resolution dispense with such an agency. If any city does not organize such an agency and appoint a person to take charge of it, the city clerk must act as free employment agent and his office is the free employment agency. The Director of Free Employment prescribes the rules for the conduct of the agencies and he prepares the forms and blank books which are necessary. He has an office in Topeka, and is allowed \$500 for expenses.

The law as far as it relates to cities establishing free employment agencies is practically a dead letter. The Director's office is the only one that does any considerable work as an employment agency. Following is the report for 1909:

	Applications for work.	Help wanted.	Positions secured.
Males.....	2,231	1,792	1,686
Females.....	204	174	93
Totals.....	2,435	1,966	1,779

Harvest hands made up the bulk of the men, and the women were mainly domestics.

MARYLAND.

In Maryland the Chief of The Bureau of Industrial Statistics is authorized by the Law of April 8, 1902, to conduct a free employment agency. The office is operated in Baltimore in connection with the statistical bureau and its expenses are paid out of the \$10,000 annually appropriated for this bureau.

The business of this office is very small, applications being made almost entirely by mail. Following are the statistics for 1908 and 1909:

	Applications for work.	Applications for help.	Positions secured.
1908.....	425	64	29
1909.....	255	50	32

MASSACHUSETTS.

The Massachusetts law for the establishment and maintenance of free employment offices was passed in 1906. It authorizes the Chief of the Bureau of Statistics, with the approval of the Governor and Council, to establish and maintain offices in such cities as may be selected after proper investigation by the bureau. The Chief appoints, after civil service examinations, a superintendent and such clerks as may be necessary for each office. The superintendents are required to keep records of their offices in books or forms devised by the Bureau of Statistics, and they must make semi-weekly reports to the Chief of that Bureau, who is required to publish them periodically and distribute them throughout the State.

The law as it was first passed confined the privilege of registration to citizens of Massachusetts, but this has been changed so as to permit any one to register, citizens being given a preference wherever possible. The original law also limited the amount to be expended annually for salaries and maintenance of the offices to \$5,000. This limitation has since been omitted and the legislature is authorized to appropriate such amounts as may be necessary from year to year.

Up to the present the Governor and Council have authorized the establishment of three offices. The first was opened in Boston on December 3, 1906, the second in Springfield on September 4, 1907, and the third in Fall River on October 1, 1907. These offices each have separate departments for men and for women, and in Boston these are subdivided into departments for male skilled, male unskilled, and boys; female skilled and female unskilled.

The Boston office has developed the most efficient system of carrying on the work and keeping records that is to be found in the United States. The rooms of the office are too small to permit applicants to wait there and be called when orders for help come in. The superintendent therefore encourages those seeking work to report at the office many times a day.

When a person applies for work for the first time a clerk fills out the following card which the applicant is required to sign:

EMPLOYEES' REGISTRATION CARD.

(Front)			(Back)		
THE COMMONWEALTH OF MASSACHUSETTS.			REFERENCES		
Card No.	[FEO-29]	BOSTON			
Name					
Residence					
Telephone	T. U.	Color or Race			
POSITION DESIRED		Age	Employer's No.	Employer	Date Sent
		Conjugal Condition			
		Home or Board			
		Religion			
		Unemployed			
		Received by			
		Date Received			
No. Dependents	Date Filled				
Experience Y M					
Birthplace					
Wages or Salary					
Signature of Applicant					

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On the back of this card a record is kept of the employers to whom applicant has been sent, the date on which he was sent, and whether he was hired or not. If the applicant has proved unreliable this is noted in the last blank column, and such aperson is denied the use of the office for thirty days.

When an employer makes application for help either in person or by mail, or over the telephone, a clerk enters the order on this card:

[illegible]

This card is used by the department clerks in sending working people to employers. When the report comes back that the position has been filled, the card is filed away. If an employer applies for workmen of different trades, a separate card is made out for each trade.

When a person is referred to an employer he is given the following card, which is addressed on the back to the employment office, and the employer is asked to return it, stating whether he has hired the applicant or not. If it is not returned inquiry is made of the employer over the telephone or by mail until it is definitely ascertained whether the position has been filled or not.

These cards are filed according to the names of the employers and from them the reports and statistics are compiled.

The forms used by the Boston office are also used in Springfield and Fall River, and the free employment offices of Connecticut and Rhode Island have recently adopted the same system.

In the following table the operations of the three Massachusetts offices are shown from the beginning of their existence:

CONSOLIDATED SUMMARY OF THE THREE STATE OFFICES FROM DECEMBER 31, 1906, TO
NOVEMBER 30, 1910.

CLASSIFICATION.	YEAR ENDING NOVEMBER 30.				Total.
	*1907.	1908.	1909.	1910.	
Applications for employment.....	47,746	57,405	42,607	47,377	195,135
Number of positions reported filled.....	15,510	14,955	17,741	20,574	68,780
Number of persons for whom positions were secured.....	†10,707	9,093	11,166	12,292	43,258
Persons applied for by employers.....	35,563	18,980	23,817	28,354	106,714

The positions filled during the year ending November 30, 1910, were divided among different occupational groups as follows:

OCCUPATIONS.	Males.	Females.	Total.
Agricultural pursuits.....	2,002	2	2,004
Professional service.....	89	.....	89
Domestic and personal service.....	4,302	7,477	11,779
Trade and transportation.....	2,361	409	2,770
Manufacturing and mechanical pursuits.....	2,950	836	3,786
Apprentices.....	125	14	139
Other trades and occupations.....	7	.....	7
Totals.....	11,836	8,738	20,574

An appropriation of \$21,000 was made for the year 1910, but all of this was not expended. The distribution of the expense among the three offices was as follows:

EXPENDITURES ON ACCOUNT OF FREE EMPLOYMENT OFFICES, 1910.*

	Boston.	Springfield.	Fall River.	Total.
Maintenance of Offices:				
Salaries.....	\$9,592 00	\$2,384 62	\$1,512 44	\$13,489 06
Rent.....	2,499 96	627 00	.....	3,126 96
Printing.....	504 26	87 42	79 49	671 17
Telephone, telegraph and messenger service..	361 75	88 54	106 95	557 24
Electric light.....	126 65	44 91	.....	171 56
Postage and expressage.....	102 75	31 80	28 40	162 95
Advertising.....	321 74	67 96	65 11	454 81
Cleaning and cleaning materials.....	654 83	123 39	104 02	882 24
Travel.....	.....	39 10	30 00	69 10
Third Annual Report†.....	48 49	24 25	24 25	96 99
Sundries.....	117 69	24 53	13 10	155 32
Total.....	\$14,330 12	\$3,543 52	\$1,963 76	\$19,837 40
Balance unexpended.....				1,162 60
Appropriation.....				\$21,000 00

* The figures for 1907 are for a full twelve months for the Boston office, but are for three months only for the Springfield office, and two months only for the Fall River office.

† This figure is for the Boston office only.

* In addition to the amount expended by the bureau as here accounted for, from the regular appropriation for the maintenance of the offices, there were expended during the year by the sergeant-at-arms, under the provisions of chapter 135, section 1 of the acts of 1907, for certain repairs and equipment at the Boston office, \$146.48.

† Arbitrarily distributed, one-half to the Boston office, one-quarter to the Springfield office, and one-quarter to the Fall River office.

In the following table is shown the average cost of filling one position, for each year from 1907 to 1910. It will be seen that the cost has gone down steadily as the business increased:

	Boston.	Springfield.	Fall River.	Total.
1907.....	\$1.35	*\$0.82	†\$1.67	.....
1908.....	1.55	.84	.84	\$1.38
1909.....	1.08	1.48	1.48	1.12
1910.....	.93	1.38	1.38	.96

MICHIGAN.

A law to establish free employment offices was passed in Michigan in 1905, but no appropriation went with it. The Commissioner of Labor, however, opened two offices, one in Grand Rapids, and the other in Detroit, in both cases in connection with the factory inspection department. In 1907 the law was amended to establish three offices in addition to the two already in existence, and an appropriation of \$5,000 was allowed for the work. The law was further amended in 1909, authorizing the Commissioner of Labor to establish and maintain free employment offices in eight cities, namely, Battle Creek, Bay City, Detroit, Grand Rapids, Jackson, Kalamazoo, Muskegon and Saginaw. The Commissioner of Labor appoints such assistants as may be necessary for the proper administration of the offices, and he fixes their salaries. All the expenses of the offices have to be met out of the appropriation of \$40,000, which is made annually for the work of the Bureau of Labor.

When the last report of the Commissioner of Labor was published only five of the offices had been organized. In Detroit there are two assistants besides the manager. Each of the other offices had only a manager. The manager of the Detroit office is the superintendent of all the free employment offices in the State.

The operations of the five employment offices for the year ending November 30, 1909, are shown in the following table:

	APPLICATIONS FOR WORK.			APPLICATIONS FOR HELP.			POSITIONS SECURED.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
Detroit.....	20,714	3,905	24,619	21,358	5,661	27,019	19,321	3,703	23,024
Grand Rapids....	4,375	1,844	6,219	3,996	2,071	6,067	3,199	1,484	4,683
Jackson.....	1,317	826	2,143	883	814	1,697	804	642	1,446
Kalamazoo.....	3,941	2,259	6,200	2,623	2,570	5,193	2,050	1,667	3,717
Saginaw.....	2,751	689	3,440	1,844	843	2,687	1,529	547	2,076
Total.....	33,098	9,523	42,621	30,704	11,959	42,663	26,903	8,043	34,946

MINNESOTA.

The first public employment office in Minnesota was established by the City of Duluth in 1901. In 1905 a State free employment office was established in Minneapolis, and two years later a law was passed authorizing the Commissioner of Labor to conduct a free employment office in each city of 50,000 inhabitants or more. There is now in operation an office in each of the principal cities of the State, Minneapolis, St. Paul and Duluth. The Duluth municipal office was taken over by the State.

The Commissioner of Labor appoints one superintendent for all three offices. His salary is \$1,200 a year. A manager is in charge of each office, and he has a woman assistant to take care of the female department.

* Office in operation three months only.

† Office in operation two months only.

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A letter from the Commissioner of Labor gives the following statistics of the business done by all three offices:

	Number put to work.	Cost to State.
August, 1908.....	2,602	\$675 28
September, 1908.....	2,610	723 58
October, 1908.....	2,264	707 73
November, 1908.....	1,763	689 22
December, 1908.....	1,058	709 68
January, 1909.....	962	746 88
February, 1909.....	994	703 18
March, 1909.....	1,160	747 10
April, 1909.....	1,783	729 15
May, 1909.....	2,958	749 44
June, 1909.....	3,360	741 88
July, 1909.....	4,813	1,148 09
August, 1909.....	5,801	760 77
September, 1909.....	5,260	756 98
October, 1909.....	5,871	813 57
November, 1909.....	4,754	772 08
December, 1909.....	2,025	735 33
January, 1910.....	2,001	818 86
	52,039	\$13,728 80

During these eighteen months the State spent \$13,728, securing 52,039 positions, at a cost of 26 cents per position filled.

MISSOURI.

The Commissioner of Labor of Missouri opened a free employment bureau in St. Louis in 1899 on his own initiative. It proved a success, and the next year the Legislature passed a law establishing an office in each city having 100,000 or more inhabitants. Three cities meet this requirement, St. Louis, St. Joseph and Kansas City. Ten thousand dollars is appropriated annually for the support of the three offices. A superintendent at \$100 per month is in charge of each office and he is assisted by a clerk receiving \$75 per month. Both of these are appointed by the Commissioner of Labor.

The operations of the three offices during 1909 are shown in the following table:

	APPLICATIONS FOR EMPLOYMENT.			APPLICATIONS FOR HELP.			POSITIONS SECURED.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
St. Louis.....	4,608	537	5,145	2,194	676	2,870	1,748	413	2,161
Kansas City.....	3,039	438	3,477	3,226	924	4,150	2,373	196	2,569
St. Joseph.....	2,328	409	2,737	17,882	566	18,448	2,019	365	2,384
Totals.....	9,975	1,384	11,359	23,302	2,166	25,468	6,140	974	7,114

Harvest hands and general laborers make up the vast majority of those dealt with by these free employment bureaus. In his report for 1909 the Commissioner of Labor recommends the establishment of five more offices in the State.

MONTANA.

Montana passed a law in 1895 creating a State free employment bureau to be carried on by a clerk in connection with the Bureau of Agriculture, Labor and Industry at Helena. The work was to be done mainly by mail. The office was not successful, and the law was repealed two years later.

In its stead an act was passed permitting any city of the State to conduct its own free employment office. Two cities, Butte and Great Falls have thus far established offices. Their operations for the year ending November 30, 1908, were as follows:

	APPLICATIONS FOR WORK.			APPLICATIONS FOR HELP.			POSITIONS SECURED.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
Butte	3,478	2,533	4,011	2,221	3,224	5,445	1,895	2,417	4,312
Great Falls.....	707	100	807	154	83	237	97	33	130

The Butte office filled almost half its positions outside the city, while the Great Falls office filled 74 positions out of the city, and only 56 within the city.

NEBRASKA.

In Nebraska a law was passed in 1897 establishing a free employment bureau in connection with the Bureau of Labor and Industrial Statistics at Lincoln. No funds are provided for the work, the Deputy Commissioner of Labor and a stenographer being required to attend to this along with all their other duties. Practically all the places they find are on farms and the business is conducted wholly by mail.

NEW JERSEY.

Newark.—The city clerk of the city conducts a Municipal Bureau of Employment. The following is from his report for the year 1909.

"The bureau was established on November 15, 1909, its purpose being to reduce enforced idleness through the operation of the bureau as a free employment exchange. Opportunity is afforded all unemployed male inhabitants to register with this bureau, which seeks to induce employers of all grades of employees to apply to it for help wanted.

"Registration is accomplished through mail, the bureau investigating the records of the registrants, thereby enabling it to meet the requirements of employers without delay.

"Help is furnished on the personal application of employers or on mail or telephone orders.

"From November 15, 1909 to January 31, 1910, there were 709 persons registered. Of these, 97 procured employment through the bureau (no public work)."

NEW YORK.

A free employment office was established in New York city by the Commissioner of Labor following the passage of a law in 1896. Five thousand dollars was appropriated annually for its maintenance, and the Commissioner of Labor was empowered to appoint a superintendent and such clerks as might be necessary. In 1906 the Commissioner appointed a committee to investigate the work of the office. They reported that its efforts were confined mainly to supplying domestics, that this work could be done more efficiently by private agencies, and that the money spent for the office could be used to better advantage for factory inspection or other work of the Department of Labor. The Commissioner of Labor thereupon discontinued the free employment bureau.

The annual appropriation of \$5,000 was entirely inadequate for conducting an efficient employment bureau in New York city; and this was the chief cause of the failure of the office.

OHIO.

The original law establishing free employment offices in Ohio was passed in 1890. Offices are maintained in Cincinnati, Cleveland, Columbus, Dayton, and Toledo. The Commissioner of Labor appoints a superintendent for each office and may appoint a clerk where one is necessary. The salary of the superintendent was fixed at \$1,500 and that of clerks at \$720 per year, by an amendment to the law in 1904.

During the year ended November 15, 1910, the five public employment offices placed 47,209 persons in positions at an aggregate cost of \$13,316.14 or 28.2 cents per person placed. The preceding year only 22,448 persons were placed and the cost was

\$13,569.85 or 60.5 cents per person. The following table shows the operations of the five offices from their beginning in 1890 to November 15, 1910:

CITIES.	MALES AND FEMALES.			APPLICATIONS FILLED.	
	Situations wanted.	Help wanted.	Positions secured.	For situations.	For help.
				<i>Per cent.</i>	<i>Per cent.</i>
Cincinnati.....	114,769	91,075	72,363	63.1	79.5
Cleveland.....	129,337	115,995	85,663	66.2	73.9
Columbus.....	94,767	96,856	67,089	70.8	69.3
Dayton.....	133,488	138,685	90,312	67.7	65.1
Toledo.....	101,596	100,657	72,441	71.3	72
Total.....	573,957	543,268	387,868	67.8	72

WASHINGTON.

Free employment offices are now operated by four cities in Washington, Seattle, Tacoma, Spokane and Everett. All of these have been established by the municipalities. There is no State law relating to free employment offices.

Seattle.

The Seattle office is under the control of the Civil Service Commission, which employs a Commissioner of Labor to conduct the public employment bureau. The office force is selected by civil service examinations.

The operations of the Seattle office from its organization in 1894 to the end of 1909 together with the expenses incurred are shown in the following table:

	Total male help supplied.	Total female help supplied.	Total hop-pickers.	Grand total.	Average by month.	Total expense.	Cost of each position. Cents.
1894.....	1,580	1,243	1,144	3,967	441	\$909 65	22 93
1895.....	1,831	1,898	2,050	5,779	482	1,120 00	19 38
1896.....	1,647	1,756	135	3,403	284	727 50	21 38
1897.....	6,163	2,573	2,890	11,626	969	724 08	6 24
1898.....	18,154	3,794	2,235	24,183	2,015	1,377 13	5 69
1899.....	20,852	5,468	1,285	27,650	2,300	1,239 41	4 49
1900.....	16,082	4,082	2,682	22,846	1,904	1,132 61	4 96
1901.....	19,411	5,684	1,465	26,560	2,214	1,276 69	4 08
1902.....	19,242	5,183	1,480	25,905	2,159	1,320 91	5 01
1903.....	23,302	5,639	1,465	30,305	2,525	1,479 70	4 88
1904.....	15,666	3,787	1,105	20,558	1,713	1,308 36	6 36
1905.....	17,763	3,202	802	21,767	1,814	1,314 19	6 03
1906.....	31,792	3,552	2,490	37,834	3,153	1,526 11	4 03
1907.....	28,769	2,305	280	31,074	2,589	1,549 30	4 98
1908.....	20,123	2,060	.....	22,183	1,848	1,321 70	5 95
1909.....	36,332	2,514	.....	38,846	3,237	1,623 05	4 18

Tacoma.

The Tacoma office was started in 1904. A superintendent is appointed by the mayor upon recommendation of a Commission composed of a member of the City Council, a representative of organized labor, and a member of the Chamber of Commerce. From January, 1907, to August, 1908, 10,335 men were placed in positions and 942 women, the men mainly at general labor and the women at housework.

Spokane.

This office was opened in 1905. Its last report to the Commissioner of Labor of Washington reads as follows:

" SPOKANE, WASH., *September 30, 1908.*

DEAR SIR.— Complying with your request of September 23d, I hereby submit report of work done in this office from January 1, 1907 to August 31, 1908.

During this time 5,766 men have been furnished positions and 457 women have received work, making a total of 6,223 persons securing employment.

This summer has not been nearly so good for work as a year ago.

Respectfully submitted,

M. R. ARANT."

Everett.

Following is the report of the City Free Employment Bureau in Everett for year ending September 1, 1908.

Office created by ordinance June 15, 1908.

Office opened for business July 26, 1908.

Help furnished for July: Male, 25; female, 1.

Help furnished for August: Male, 112; female, 18.

Office in the City Hall.

Board of Control, consisting of: H. B. Goldfinch, member of Chamber of Commerce; J. A. Powers, member of City Council; J. J. Fox, member of Trades Council.

Salary of clerk, seventy-five dollars (\$75.00) per month.

WEST VIRGINIA.

A law passed in 1901 authorizes the Commissioner of Labor of West Virginia to establish in connection with the Bureau of Labor a free employment office, and to employ such assistants as may be necessary to carry on the work. The expenses for this purpose, however, are limited to \$1,000 per year. The work of the office from its organization is given in the last report as follows:

APPLICATIONS FOR POSITIONS AND FOR HELP AND POSITIONS SECURED THROUGH THE
FREE PUBLIC EMPLOYMENT BUREAU, MAY 15, 1901, TO MAY 15, 1908.

YEAR.	APPLICATIONS FILED FOR—						POSITIONS SECURED.			PER CENT. OF APPLICATIONS FILLED.	
	POSITIONS.			HELP.							
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	For positions.	For help.
1902.....	896	312	1,208	836	468	1,304	790	254	1,044	86.4	80.0
1903.....	1,952	188	2,140	3,468	501	3,969	1,875	165	2,040	95.3	51.4
1904.....	2,009	230	2,239	1,560	448	2,008	1,504	207	1,711	76.4	85.2
1905.....	1,960	380	2,340	1,275	420	1,695	1,001	274	1,275	54.5	75.2
1906.....	2,015	520	2,535	801	493	1,294	651	378	1,029	40.6	79.5
1907.....	1,450	540	1,990	1,025	785	1,810	885	478	1,363	68.4	75.3
1908.....	4,852	1,005	5,857	431	572	1,003	381	461	842	14.4	83.9
Total.....	15,134	3,175	18,309	9,396	3,687	13,083	7,087	2,217	9,304	50.8	71.1

WISCONSIN.

Wisconsin now has four State free employment offices, one in each of the following cities: Milwaukee, Superior, LaCrosse and Oshkosh. The first office was opened in Superior in 1899 by the city government. A State law establishing free employment bureaus was passed in 1901, but this was repealed and a new one enacted in 1903. The Governor, upon the recommendation of the Commissioner of Labor, appoints a superintendent for each office, who serves for two years, and receives a salary of \$1,200 per year. The cities

are required to furnish office room for the free employment bureau, except in Milwaukee, where the local office of the Bureau of Labor and Industrial Statistics furnishes the quarters.

The number of positions reported as filled by each of the four offices is given as follows in the last published report:

NUMBER OF POSITIONS REPORTED AS FILLED, 1905-8190.

CLASSIFICATION.	All offices.	Mil- waukee.	Superior.	La Crosse.	Oshkosh.
MALES.					
1905.....	8,453	3,594	3,293	1,125	441
1906.....	13,865	6,898	4,371	1,471	1,125
1907.....	14,538	5,545	5,970	1,718	1,305
1908.....	13,133	4,194	6,201	1,593	1,145
Total, four years.....	49,989	20,231	19,835	5,907	4,016
FEMALES.					
1905.....	2,637	1,115	713	516	293
1906.....	3,467	1,267	992	544	664
1907.....	2,884	992	618	635	639
1908.....	3,022	1,077	672	631	642
Total, four years.....	12,010	4,451	2,995	2,326	2,238

In explanation of this table the report says: "The figures in reality show the number of persons who have been referred to possible employers who have asked for help, but it has not been ascertained in how many of these cases positions were actually secured."

PUBLIC EMPLOYMENT OFFICES IN THE UNITED STATES.

STATE.	City.	Kind of office.	Estab-lished.	Official head.	OFFICE FORCE.					OPERATIONS.***			Cost.		Separate departments.	Reports.	
					NUMBER.			How selected.	SALARIES.		Applica-tions for work.	Help wanted.	Positions secured.	Annual appro-priations.			Per position secured.
					Sup't.	Clerks.	Others.		Sup't.	Clerks.								Others.
Colorado.....	Denver..... Pueblo..... Colorado Springs	State... State... State...	1907 1907 1907	Commissioner of Labor.	1 1 1	1 1 1	..... ..... .....	Appointed.. do do	\$1,200 1,200 1,200	1,000 1,000 1,000	..... ..... .....	16,879 5,955 7,152	..... ..... .....	8,083 4,327 6,453	\$2,730 2,766 2,740	\$0.34 0.63 0.42	Weekly and annual. do do do
Connecticut...	Hartford..... Bridgeport..... New Haven..... Waterbury..... Norwich.....	State... State... State... State... State...	1901 1901 1901 1901 1901	Commissioner of Labor.	1 1 1 1 1	..... ..... ..... ..... .....	..... ..... ..... ..... .....	Appointed.. do do do do	\$1,500 1,500 1,500 1,500 1,500	..... ..... ..... ..... .....	..... ..... ..... ..... .....	4,960 3,235 2,738 2,255 659	3,374 3,235 1,983 2,255 548	2,841 2,609 1,624 1,907 412	\$2,000 2,000 2,000 2,000 2,000	\$0.70 0.74 1.23 1.05 4.86	Annual. do do do do
Illinois.....	Chicago-No. Side Chicago-W. Side. Peoria..... East St. Louis.. Springfield.....	State... State... State... State... State...	1899 1899 1901 1901 1907	State Board of Com-missioners of Labor.	1 1 1 1 1	2* 2 2 2 2	..... ..... ..... ..... .....	Appointed.. do do do do	\$1,500 1,500 1,500 1,500 1,500	1,000 1,000 1,000 1,000 1,000	to \$1,200 to 1,200 to 1,400 to 1,200 to 1,200	10,977 17,749 15,192 10,368 8,634	..... ..... ..... ..... .....	10,493 16,253 12,930 9,065 8,066	\$8,250 9,020 7,800 5,920 6,620	\$0.79 0.56 0.60 0.59 0.82	Weekly and annual. do do do do do
Indiana.....	Indianapolis.....	State.....	1908	Chief—Bu. of Stat.....	Conducts work by mail.			.....	.....	.....	.....	5,058	2,857	2,387	.....	.....	Quarterly and annual.
Kansas.....	Topeka..... Kansas City..... Chanute..... Kingman..... Silver Lake.....	State... Agency** Agency... Agency... Agency...	1901	Director free employ-ment bureaus.	Director ..... ..... ..... .....	..... ..... ..... ..... .....	..... ..... ..... ..... .....	Ap. by Gov.	\$1,200 ..... ..... ..... .....	..... ..... ..... ..... .....	..... ..... ..... ..... .....	2,435	1,966	1,779	\$1,700	\$0.96	Annual.
Maryland.....	Baltimore.....	State.....	1902	Chief—Bu. of Stat.....	Conducts work by mail.			.....	.....	.....	.....	255	50	32	.....	.....	Biennial.
Massachusetts	Boston..... Fall River..... Springfield.....	State... State... State...	1906 1907 1907	Director—Bureau of Statistics.	1 1 1	8 2	1	Civil service do do	\$1,500 1,200 1,200	720 720 720	..... ..... .....	35,181 4,088 8,108	21,425 1,922 5,007	15,478 1,421 3,675	\$14,330 1,963 3,543	\$0.93 1.38 1.38	Weekly and annual. do do do
Michigan.....	Battle Creek... Bay City..... Detroit..... Grand Rapids.. Jackson..... Kalamazoo..... Muskegon..... Saginaw.....	State..* State... State... State... State... State... State... State...	1909 1909 1905 1905 1907 1907 1909 1907	Commissioner of Labor.	1 1 1 1 1 1 1 1	..... ..... ..... ..... ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... .....	Appointed.. do do do do do do do	..... ..... ..... ..... ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... .....	24,619 6,219 2,143 6,200	27,019 6,067 1,446 5,193	23,024 4,683 1,446 3,717 ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... .....	Annual. do do do do do do do
Minnesota.....	Duluth..... Minneapolis.. St. Paul.....	State... State... State...	1901 1905 1907	Superintendent free em-ployment offices.	1 1 1	1 1 1	..... ..... .....	Appointed.. do do	..... ..... .....	..... ..... .....	..... ..... .....	17,372 31,292 10,874	15,153 27,781 8,779	..... ..... .....	\$3,601 3,424 2,887	\$0.24 1.12 1.33	Annual. do do
Missouri.....	Kansas City... St. Joseph..... St. Louis.....	State... State... State...	1900 1901 1899	Commissioner of Labor.	1 1 1	1 1 1	..... ..... .....	Appointed.. do do	\$1,200 1,200 1,200	900 900 900	..... ..... .....	3,477 2,737 5,145	4,150 18,448 2,870	2,569 2,384 2,161	..... ..... .....	..... ..... .....	Annual. do do
Montana.....	Butte..... Great Falls.....	Municipal Municipal	1902 1905	Employment agent. Superintendent.	1 1	..... .....	..... .....	Appointed.. do	\$1,200 .....	..... .....	..... .....	4,011 807	5,445 237	4,312 130	\$3,000	\$0.70	Biennial. do

Nebraska	Lincoln	State	1897	Deputy Com. of Labor	Conducts work by mail			City clerk	1897	1,206	Male and female	Biennial	
New Jersey	Newark	Municipal	1909		.....	.....	.....	.....	709	97†	.....	.....	
Ohio	Cincinnati	State	1890	Commissioner of Labor.	I	I	.....	.....	.....	47,209	\$13,316	Male and female. do do do do	
	Cleveland	State	1890		I	I	.....	.....	.....				.....
	Columbus	State	1890		I	I	.....	.....	.....				.....
	Dayton	State	1890		I	I	.....	.....	.....				.....
	Toledo	State	1890	I	I	.....	.....	.....	.....	.....	.....	do	
Oklahoma	Oklahoma City.	State	1908	Commissioner of Labor. *.	I	.....	.....	.....	.....	9,703	\$3,450	Biennial. do do	
	Enid	State	1910		I	.....	.....	.....	.....	.....			.....
	Muskogee	State	1909		I	.....	.....	.....	.....	.....			3,149
Rhode Island	Providence	State	1908	Commissioner of Labor	I	2	.....	.....	3,627	2,152	\$4,000	Annual.	
Washington	Seattle	Municipal	1804	Civil Service Com. Superintendent Superintendent Board of Control	.....	.....	.....	.....	.....	.....	\$1,623	Male and female. do do do	
	Tacoma	Municipal	1904		.....	.....	.....	.....	.....	.....			.....
	Spokane	Municipal	1905		I	.....	.....	.....	.....	.....			.....
	Everett	Municipal	1908		I	.....	.....	.....	.....	.....			.....
West Virginia	Wheeling	State	1901	Commissioner of Labor	.....	I	.....	.....	5,857	1,003	\$1,000	Biennial.	
Wisconsin	Milwaukee	State	1901	Commissioner of Labor.	I	.....	.....	.....	.....	7,248	Male and female do do do	Biennial. do do do	
	La Crosse	State	1904		I	.....	.....	.....	.....	.....			2,383
	Oshkosh	State	1904		I	.....	.....	.....	.....	.....			2,040
	Superior	State	1899		I	.....	.....	.....	.....	.....			12,188

* One clerk is assistant superintendent.

**** See page —.**

*** The statistics cover the last year for w

† November 15, 1909 to January 31, 1910.

Estimated.

Male skilled, male unskilled, boys, female skilled and female unskilled.

No record kept.

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APPENDIX IV.

THE BRITISH UNEMPLOYED WORKMEN ACT, 1905.

(5 Edw. 7, Ch. 18.)

An Act to establish organisation with a view to the provision of Employment or Assistance for Unemployed Workmen in proper cases.

(11th August 1905.)

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) For the purposes of this Act there shall be established, by order of the Local Government Board under this Act, a distress committee of the council of every metropolitan borough in London, consisting partly of members of the borough council and partly of members of the board of guardians of every poor law union wholly or partly within the borough and of persons experienced in the relief of distress, and a central body for the whole of the administrative county of London, consisting partly of members of, and selected by, the distress committees and of members of, and selected by, the London County Council, and partly of persons co-opted to be additional members of the body, and partly, if the order so provides, of persons nominated by the Local Government Board, but the number of the persons so co-opted and nominated shall not exceed one-fourth of the total number of the body, and every such order shall provide that one member at least of the committee or body established by the order shall be a woman.

(2) The distress committee shall make themselves acquainted with the conditions of labour within their area, and when so required by the central body shall receive, inquire into, and discriminate between any applications made to them from persons unemployed:

Provided that a distress committee shall not entertain an application from any person unless they are satisfied that he has resided in London for such period, not being less than twelve months, immediately before the application, as the central body fixes as a residential qualification.

(3) If the distress committee are satisfied that any such applicant is honestly desirous of obtaining work, but is temporarily unable to do so from exceptional causes over which he has no control, and consider that his case is capable of more suitable treatment under this Act, than under the poor law, they may endeavour to obtain work for the applicant, or, if they think the case is one for treatment by the central body rather than by themselves, refer the case to the central body, but the distress committee shall have no power to provide, or contribute towards the provision of, work for any unemployed person.

(4) The central body shall superintend and, as far as possible, co-ordinate the action of the distress committees, and aid the efforts of those committees by establishing, taking over, or assisting labour exchanges and employment registers, and by the collection of information and otherwise as they think fit.

(5) The central body may, if they think fit, in any case of an unemployed person referred to them by a distress committee, assist that person by aiding the emigration or removal to another area of that person and any of his dependents, or by providing, or contributing towards the provision of, temporary work in such manner as they think best calculated to put him in a position to obtain regular work or other means of supporting himself.

(6) Any expenses of the central body under this Act, and such of the expenses of the distress committees under this Act, as are incurred with the consent of the central body, shall be defrayed out of a central fund under the management of the central body, which shall be supplied by voluntary contributions given for the purpose, and by contributions made on the demand of the central body by the council of each metropolitan in proportion to the rateable value of the borough and paid as part of the expenses of the council:

Provided that —

(a) A separate account shall be kept of all sums supplied by contributions made by the councils of the metropolitan boroughs, and no expenses except —

(i) establishment charges of the central body and the distress committees, including the expenses incurred by them in respect of labour and employment registers and in the collection of information; and

(ii) the expenses incurred by the central body in aiding the emigration or removal to another area of an unemployed person and any of his dependents; and

(iii) the expenses incurred by the central body in relation to the acquisition, with the consent of the Local Government Board, of land for the purposes of this Act; shall be paid out of that account.

(b) No such contribution by a council shall in any year exceed the amount which would be produced by a rate of one halfpenny in the pound calculated on the whole rateable value of the borough, or such higher rate, not exceeding one penny, as the Local Government Board may approve.

(7) The provision of temporary work or other assistance for any person under this Act shall not disentitle him to be registered or to vote as a parliamentary, county, or parochial elector, or as a burgess.

(8) This section shall apply to the City of London as if the City of London were a metropolitan borough, and the mayor, aldermen, and commons of the City of London in common council assembled were the council of the borough, and any contribution required for the purposes of this Act shall be paid out of consolidated rate, but shall not be reckoned in calculating the amount of the rate for the purpose of any limit on that amount.

(9) The Local Government Board may, upon the application of the council of any borough or district adjoining or near to London, by order, extend the provisions of this section to that borough or district as if the borough or district were a metropolitan borough and were within the administrative county of London, and with such other modifications and adaptations as to the Board may appear necessary.

2.—(1) There shall be established by order of the Local Government Board for each municipal borough and urban district with a population, according to the last census for the time being, or not less than fifty thousand, and not being a borough or district to which the provisions of section one of this Act have been extended, a distress committee of the council for the purposes of this Act, with a similar constitution to that of a distress committee in London, and the distress committee so established shall, as regards their borough or district, have the same duties and powers, so far as applicable, as are given by this Act to the distress committees and central body in London.

This provision shall extend to any municipal borough or urban district with a population, according to the last census for the time being, or less than fifty thousand but not less than ten thousand, if the council of the borough or district make an application for the purpose to the Local Government Board, and the Board consent.

(2) Subject as aforesaid, the Local Government may, on the application of any county or borough or district council, or board of guardians, or, if they think it expedient, without any such application, by order establish for the purposes of this Act in any county or part of a county a central body and distress committees with similar constitutions to those of the central body and distress committees in London, and the body and committees so established shall, subject to any exceptions made by the order, have the same duties and powers as respects their area as are given by this Act to the central body and distress committees respectively in London.

For the purposes of this provision a county borough with a population of less than fifty thousand shall be deemed to be included in the county in which it is, for the purposes of the Local Government Act, 1888, deemed to be situated.

(3) Where a central body and distress committees have not been established under this Act for the whole of a county, the council of that county, and, where a distress committee has not been established under this Act for a county borough, the council of that county borough, shall constitute a special committee under this Act, consisting of members of the council, with power to co-opt any persons to be additional members of the committee; but the number of persons so co-opted shall not exceed one-fourth of the total number of the committee.

It shall be the duty of the council, in such a case, through the special committee, to collect information with respect to the conditions of labour within their area by establishing, taking over, or assisting labour exchanges and employment registers, and in such other manner as they think fit, and to supply any such information when required.

Any expenses incurred by a council under this provision shall be paid in the case of a county council out of the county fund as expenses for special or general county purposes, as the circumstances may require, and in the case of a borough council out of the borough fund or borough rate.

(4) Where any order is made under this section as respects any area, the provisions of this Act relating to London shall apply with respect to that area, with such necessary modifications and adaptations as may be made by the order.

3.— Where at any time a central body and distress committees or a distress committee are about to be established for any area under this Act, any body already established in that area, whether before or after the passing of this Act, for the purpose of dealing with the unemployed, and any special committee under this Act, may, if the Local Government Board think fit, be temporarily constituted by order of that Board a central body or a distress committee, as the case may be, until the establishment in accordance with this Act of a central body and distress committees or of a distress committee for that area.

4.— (1) An order of the Local Government Board under this Act establishing a central body or distress committee may provide for the constitution and proceedings of that body or committee, and, in the case of an order establishing a central body, for the incorporation of that body by an appropriate name, and, where any property or liabilities are taken over from any other body, for effecting by virtue of the order the transfer of that property or those liabilities, and also for any matter for which provision may be made by regulations under this Act, and for which it appears desirable to make special provision affecting only the body or committee established by the order.

(2) An order of the Local Government Board under this Act may be varied and revoked by any subsequent order of the Board made under this Act.

(3) The Local Government Board may make regulations for carrying into effect this Act, and may by those regulations, amongst other things, provide —

(a) for regulating, subject to the provisions of this Act, the conditions under which any application may be entertained by a distress committee under this Act, and the conditions under which a central body may aid emigration or removal or provide or contribute towards the provision of work under this Act, and otherwise for regulating the manner in which any duties under this Act are to be performed or powers exercised by any central body or distress committee or special committee under this Act; and

(b) for authorising the establishment, with the consent of the Local Government Board, of farm colonies by a central body established under this Act, and the provision, with the like consent, by such a body of temporary accommodation for persons for whom work upon the land is provided; and

(c) for authorising and regulating the acquisition by a central body of land by agreement for the purposes of this Act, and the disposal of any land so acquired; and

(d) for the employment of officers and provision of offices, and for enabling any inspector of the Local Government Board to attend the meeting of any body or committee established under this Act; and

(e) for authorising the acceptance of any money or property by a central body established under this Act, and for regulating the administration of any money or property so acquired; and

(f) for the payment of any receipts of a central body to the central fund, and for the apportionment, if necessary, of those receipts between the voluntary contribution account and the rate contribution account of that fund; and

(g) for the audit of the accounts of any central body established under this Act in the same manner and subject to the same provisions as to any matter incidental to the audit or consequential thereon as the accounts of a county council; and

(h) for enforcing the payment of contributions by any councils liable to make such contributions in pursuance of this Act, and for authorising and regulating the borrowing of money by a central body established under this Act; and

(i) for facilitating the co-operation of any body or committee having powers under this Act for any area with any other body or committee, or with any local authority, and the provision of assistance by one such body or committee to another; and

(k) for applying, with the necessary adaptations, to a distress committee having the powers of a central body regulations relating to a central body; and

(l) for the holding of local inquiries by the Local Government Board for the purposes of this Act, and for requiring returns to be made to the Board by any body or committee having powers under this Act; and

(m) for the application for the purposes of this Act, as respects any matters to be dealt with by the regulations, of any provision in any Act, of Parliament dealing with the like matters, with any necessary modifications of adaptations.

All regulations made under this Act shall be laid as soon as may be before Parliament.

5. In the application of this Act to Scotland —

(1) "The Local Government Board of Scotland" shall be substituted for "the Local Government Board":

(2) "Royal, parliamentary, or police burgh" shall be substituted for "municipal borough and urban district" and for "borough or district":

(3) "Parish" shall be substituted for "poor law union," "parish council" shall be substituted for "board of guardians," and "town council" shall be substituted for "council of the borough or district" and for "borough or district council":

(4) "Royal, parliamentary, or police burgh with a population, according to the last census for the time being, of less than fifty thousand, but not less than twenty thousand," shall be substituted for "county borough":

(5) References to special county purposes shall not apply:

(6) "Burgh general improvement assessment" or any other assessment leviable in equal proportions on owners and occupiers shall be substituted for "borough fund or borough rate": Provided that any rate under this Act shall not be reckoned in calculating the amount of such assessment for the purpose of any statutory limit on such assessments:

(7) "Inspector" shall include general superintendent and visiting officer:

(8) Sections forty-seven, fifty-two, and fifty-three of the Local Government (Scotland) Act, 1894, shall be substituted for sections eighty-five, eighty-six, and eighty-eight of the Local Government Act, 1894:

(9) "Municipal elector" shall be substituted for "burgess":

(10) Subsection three of section two of this Act shall not apply to any county or to any burgh except with the consent of the Local Government Board for Scotland expressed by order made on the application of the county council or town council, as the case may be.

6. In the application of this Act to Ireland —

(1) "The Local Government for Ireland" shall be substituted for "the Local Government Board":

(2) As respects population "ten thousand" shall be substituted for "fifty thousand," and "five thousand" for "ten thousand":

(3) The provisions of this Act relating to the inclusion of a county borough in a county shall not apply:

(4) Subsection three of section two of this Act shall not apply to any county in Ireland, except by order of the Local Government Board for Ireland made on the application of the council of that county:

(5) Articles forty, forty-three, and forty-five of the schedule to the Local Government (Application of Enactments) order, 1898, shall be substituted for sections eighty-five, eighty-six, and eighty-eight respectively of the Local Government Act, 1894.

7. This Act may be cited as the Unemployed Workmen Act, 1905.

8. This Act shall continue in force for three years from the date of the passing thereof, and no longer, unless Parliament otherwise determine, and at the expiration of that period, unless this Act is so continued as aforesaid, the Local Government Board shall make such orders as they think necessary for dissolving the central bodies and distress committees established under this Act, and transferring their property and liabilities; and for the purposes of such transfer sections eighty-five, eighty-six and eighty-eight of the Local Government Act, 1894 (which relate to current rates, existing securities and debts, and pending contracts, &c.), shall apply, with such modifications and adaptations as may be made by order of the Local Government Board.

APPENDIX V.

THE BRITISH LABOUR EXCHANGES ACT, REGULATIONS UNDER THE ACT,
AND FINANCIAL STATEMENT.

LABOUR EXCHANGES ACT, 1909.

(9 Edw. 7, Ch. 7.)

An Act to provide for the establishment of Labour Exchanges and for other purposes incidental thereto.

[20th September 1909.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) The Board of Trade may establish and maintain, in such places as they think fit, labour exchanges, and may assist any labour exchanges maintained by any other authorities or persons, and in the exercise of these powers may, if they think fit, co-operate with any other authorities or persons having powers for the purpose.

(2) The Board of Trade may also, by such other means as they think fit, collect and furnish information as to employers requiring workpeople and workpeople seeking engagement or employment.

(3) The Board of Trade may take over any labour exchange (whether established before or after the passing of this Act) by agreement with the authority or person by whom the labour exchange is maintained, and any such authority or person shall have power to transfer it to the Board of Trade for the purposes of this Act.

(4) The powers of any central body or distress committee, and the powers of any council through a special committee, to establish or maintain, under the Unemployment Workmen Act, 1905, a labour exchange or employment register shall, after the expiration of one year from the commencement of this Act, not be exercised except with the sanction of, and subject to any conditions imposed by the Local Government Board for England, Scotland, or Ireland, as the case may require, and that sanction shall not be given except after consultation with the Board of Trade.

2.—(1) The Board of Trade may make general regulations with respect to the management of labour exchanges established or assisted under this Act, and otherwise with respect to the exercise of their powers under this Act, and such regulations may, subject to the approval of the Treasury, authorise advances to be made by way of loan towards meeting the expenses of workpeople travelling to places where employment has been found for them through a labour exchange.

(2) The regulations shall provide that no person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a labour exchange where the ground of refusal is that a trade dispute which affects his trade exists, or that the wages offered are lower than those current in the trade in the district where the employment is found.

(3) Any general regulations made under this section shall have effect as if enacted in this Act, but shall be laid before both Houses of Parliament as soon as may be after they are made, and, if either House of Parliament within the next forty days during the session of Parliament after any regulations have been so laid before that House resolves that the regulations or any of them ought to be annulled, the regulations or those to which the resolution applies shall, after the date of such resolutions, be of no effect, without prejudice to the validity of anything done in the meantime under the regulations or to the making of any new regulations.

(4) Subject to any such regulations, the powers of the Board of Trade under this Act shall be exercised in such manner as the Board of Trade may direct.

(5) The Board of Trade may, in such cases as they think fit, establish advisory committees for the purpose of giving the Board advice and assistance in connexion with the management of any labour exchange.

3. If any person knowingly makes any false statement or false representation to any officer of a labour exchange established under this Act, or to any person acting for or for the purpose of any such labour exchange, for the purpose of obtaining employment or procuring workpeople, that person shall be liable in respect of each offence on summary conviction to a fine not exceeding ten pounds.

4. The Board of Trade may appoint such officers and servants for the purposes of this Act as the Board may, with the sanction of the Treasury, determine, and there shall be paid out of moneys provided by Parliament to such officers and servants such salaries or remuneration as the Treasury may determine, and any expenses incurred by the Board of Trade in carrying this Act into effect, including the payment of travelling and other allowances to members of advisory committees and other expenses in connexion therewith, to such amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

5. In this Act the expression "labour exchange" means any office or place used for the purpose of collecting and furnishing information, either by the keeping of registers or otherwise, respecting employers who desire to engage workpeople and workpeople who seek engagement or employment.

6. This Act may be cited as the Labour Exchanges Act, 1909.

GENERAL REGULATIONS MADE BY THE BOARD OF TRADE IN PURSUANCE OF SECTION (2)
OF THE LABOUR EXCHANGES ACT, 1909.

I.—(1) Applicants for employment through a labour exchange shall register and shall renew their registration there in person, if they reside within three miles of the exchange or within such other distance as the Board of Trade may direct from time to time, either generally or as regards any specified district or class of applicants.

(2) In the case of applicants not residing within the above limit of distance, the officer in charge of the labour exchange may accept registration or renewal of registration through the post.

(3) Applicants shall register upon a form containing the particulars set forth in the First Schedule hereto, subject to such modifications as may be made by the Board of Trade from time to time, either generally or as regards any specified district or trade or class of applicants.

(4) The above regulations shall not apply to juvenile applicants.

II.—Registration of applications for employment shall hold good for seven days from the date of registration or for such other period as the Board of Trade may from time to time direct either generally or as regards any specified district or trade or class of applicants, but may be renewed within that period for a like period and so on from time to time.

III.—(1) Any association of employers or workmen may file at a labour exchange a statement with regard to the existence of a strike or lock-out affecting their trade in the district. Any such statement shall be in the form set out in the Second Schedule hereto, and shall be signed by a person authorised by the association for the purpose. Such statement shall be confidential except as hereunder provided and shall only be in force for seven days from the date of filing but may be renewed within that period for a like period and so on from time to time.

(2) If any employer who appears to be affected by a statement so filed notifies to a labour exchange a vacancy or vacancies for workmen of the class affected, the officer in charge shall inform him of the statement that has been filed, and give him an opportunity of making a written statement thereon. The officer in charge in notifying any such vacancies to any applicant for employment shall also inform him of the statements that have been received.

IV.—(1) The officer in charge of a labour exchange in notifying applications for employment and vacancies to employers and applicants respectively shall undertake no responsibility with regard to wages or other conditions, beyond supplying the employer or applicant, as the case may be, with any information in his possession as to the rate of wages desired or offered.

(2) Copies or summaries of any agreements mutually arranged between associations of employers and workmen for the regulation of wages or other conditions of labor in any trade may, with the consent of the various parties to such agreements, be filed at a labour exchange and any published rules made by public authorities with regard to like matters may also be filed. Documents so filed shall be open to inspection on application.

(3) No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a labour exchange where the ground

of refusal is that a trade dispute which affects his trade exists or that the wages offered are lower than those current in the trade in the district where the employment is found.

V.—(1) Where an applicant for employment has been engaged through a labour exchange at which he is registered to take up employment at any place removed from the exchange or from his ordinary residence by more than five miles by the quickest route, or by such other distance as the Board of Trade may direct from time to time, either generally or as regards any specified district the officer in charge may, at his discretion, make an advance to the applicant towards meeting the expenses of travelling to the place of employment.

(2) The advance may be made at the request either of the employer or of the applicant. The person at whose request the advance is made shall give such undertaking with respect to the repayment of the advance as the Board of Trade, with the consent of the Treasury, may from time to time prescribe either generally or as regards any specified district or class of applicants.

(3) No advance shall be made where the officer in charge has reason to believe that the employment falls within the terms of Regulation IV. (3) hereof.

(4) In making advances care shall be taken to avoid unduly encouraging rural labourers to migrate from the country to the towns or between Great Britain and Ireland.

(5) The advance shall not exceed the amount required to defray the applicant's fare to the place of employment, and will be made by the provision of a ticket or pass, or, in exceptional circumstances, in cash.

VI.—The officers in charge of a labour exchange shall consult the central office in London before notifying to applicants for employment vacancies at any place outside the British Isles.

VII.—(1) There shall be established by the Board of Trade in such areas of the United Kingdom as they think fit advisory trade committees consisting of equal numbers of persons representing employers and workmen in the district and appointed by the Board of Trade after consultation with such bodies and persons as they may think best qualified to advise them on the matter, together with a chairman, agreed upon by a majority both of the persons representing employers and of the persons representing workmen, or in default of such agreement appointed by the Board of Trade.

(2) It shall be the duty of advisory trade committees to advise and assist the Board of Trade in regard to any matters referred to them in connection with the management of labour exchanges.

(3) The members of an advisory trade committee including the chairman shall remain in office for three years.

(4) Vacancies, howsoever caused, occurring in the membership or chairmanship of an advisory trade committee shall from time to time be filled in the same manner as provided by sub-clause (1) of this regulation in regard to the original appointment of members and chairman. Any person appointed to fill a vacancy shall not hold office after the expiration of the period during which the person in whose place he is appointed would have held office.

(5) At the request of the majority either of the persons representing employers or of the persons representing workmen on an advisory trade committee present at any meeting, voting on any particular question shall be so conducted that there shall be an equality of votes as between the persons representing employers and the persons representing workmen, notwithstanding the absence of any member. Save as aforesaid every question shall be decided by a majority of the members present and voting on that question.

(6) On any question on which equality of voting power has been claimed under sub-clause 5 of this regulation, the chairman shall have no vote, but in case of the votes recorded being equal he shall make a report to that effect to the Board of Trade and may also, if he think fit, state his own opinion on the merits of the question.

(7) Subject to these regulations the procedure of any advisory trade committee shall be determined from time to time by the Board of Trade, or by the Committee with the approval of the Board.

VIII.—(1) All applications for accommodation within the premises of a labour exchange shall be made to the officer in charge of such labour exchange, who shall consult the advisory trade committee for the district. Any such application shall only be granted for such purposes and on such terms and conditions as the committee may approve.

(2) In the case of labour exchanges which were in operation before the passing of the Labour Exchanges Act, 1909, existing arrangements with regard to accommodation may be allowed to continue except in so far as they may be modified or cancelled hereafter.

IX.—Subject to these regulations, special rules may be made from time to time by the Board of Trade, after consulting the Board of Education so far as regards England and Wales and the Scottish Education Department so far as regards Scotland and the Lord Lieutenant of Ireland so far as regards Ireland, with respect to the registration of juvenile applicants for employment; that is to say, applicants under the age of 17 or such other limit as the Board may fix, either generally or as regards any specified district or trade or class of applicants.

The Board of Trade make these Regulations by virtue of the power conferred upon them by section 2, subsection 1 of the Labour Exchanges Act, 1909.

Dated this 28th day of January 1910.

H. LLEWELLYN SMITH,
Secretary.

Board of Trade,
Whitehall Gardens,
S. W.

FIRST SCHEDULE.

Particulars to be included on the Form for Registration of Adult Applicants for Employment.
(N. B.—Applicants are not compelled to furnish all the particulars specified.)

Surname.....Other names.....Age.....
Address.....
Work desired.....
Last employer and previous employer in }
in that class of work, with address and }
period and date of employment. }
Qualifications for desired employment.....
Also willing to take work as.....
Whether willing to take work at a distance.....
When free to begin work.....

SECOND SCHEDULE.

FORM OF STATEMENT REFERRED TO IN REGULATION III (1)

I, the undersigned, being duly authorized by (*give the name of the association*) beg to notify that the above Association has a trade dispute, involving (*insert "a strike" or "lock-out," as the case may be*), with (*give the names of firms or class of firms or the name of the association*).

Dated this day of 19

Signature
Address

SPECIAL RULES WITH REGARD TO REGISTRATION OF JUVENILE APPLICANTS IN ENGLAND AND WALES MADE IN PURSUANCE OF REGULATION NO. IX OF THE GENERAL REGULATIONS FOR LABOUR EXCHANGES MANAGED BY THE BOARD OF TRADE.

1. Juvenile applicants for employment shall register on the forms prescribed in the Schedule to these Rules, subject to such modifications as may be made therein by the Board of Trade from time to time. Such applicants, or any prescribed class of such applicants, may be permitted in lieu of attending personally at a labour exchange to register their applications at such other places as may be recognised by the Board of Trade as suitable for the purpose. Forms containing such applications, if transmitted forthwith to a labour exchange, shall be treated as equivalent to personal registration.

2.—(1) Special advisory committees for juvenile employment shall be established in such areas as the Board of Trade may think expedient. These committees shall include persons possessing experience or knowledge of education or of other conditions affecting young persons, appointed after consulting such authorities, bodies, and persons as the Board think best qualified to advise them, and also persons representing employers and workmen, appointed after consulting any advisory trade committee established in the district in pursuance of Regulation No. VII of the General Regulations, together with a chairman appointed by the Board.

(2) Such labor exchange officers as may be designated by the Board of Trade, and such of His Majesty's Inspectors of Schools as may be designated by the Board of Education may be present at meetings of the special advisory committees, but shall not be members thereof.

3. Subject to these rules, the procedure of a special advisory committee for juvenile employment shall be determined from time to time by the Board of Trade or by the Committee with the approval of the Board.

4. It shall be the duty of a special advisory committee to give advice with regard to the management of any labour exchange in its district in relation to juvenile applicants for employment.

5. Subject to these rules a special advisory committee may take steps, either by themselves or in co-operation with any other bodies or persons, to give information, advice, and assistance to boys and girls and their parents with respect to the choice of employment and other matters bearing thereon. Provided that the Board of Trade and the officer in charge of the labour exchange shall undertake no responsibility with regard to any advice or assistance so given.

6. (1) If any Local Education Authority for Higher Education which has or may acquire statutory powers for the purpose of giving advice, information, or assistance to boys and girls with respect to the choice of employment or other matters bearing thereon, submits to the Board of Education a scheme for the exercise of those powers, and the Board of Education, after consulting with the Board of Trade, approve that scheme with or without modifications, the foregoing rules shall, so long as the scheme is carried out to the satisfaction of the Board of Education, apply to the area of that Local Education Authority with the following modifications:—

(a) The officer in charge of any labour exchange shall not undertake the registration of juvenile applicants for employment except in accordance with the provisions of the scheme.

(b) The special advisory committee for juvenile employment shall take no steps under Rule 5 except in accordance with the provisions of the scheme.

(c) The Board of Trade may, if they think fit, recognise, in lieu of any special advisory committee established or to be established under these rules, an advisory committee constituted under the scheme, provided that such committee included an adequate number of members possessing experience or knowledge of educational and industrial conditions, and thereupon the Board of Trade may, if the circumstances require either dissolve any special advisory committee or modify its area and constitution.

(2) Nothing in this rule shall affect the registration at any labour exchange of vacancies for juvenile workers notified by employers.

7. These Rules shall apply to the registration of juvenile applicants in England and Wales.

These Rules are made by the Board of Trade after consultation with the Board of Education in pursuance of Regulation No. IX. of the General Regulations for Labour Exchanges managed by the Board of Trade.

Dated this seventh day of February 1910.

H. LLEWELLYN SMITH,
Secretary.

Board of Trade,
Whitehall Gardens,
S. W.

SCHEDULE TO SPECIAL RULES.

PARTICULARS TO BE INCLUDED ON THE FORM FOR REGISTRATION OF JUVENILE APPLICANTS
FOR EMPLOYMENT.

Surname Other names

Date of birth

Full address

Name of last day school and date of leaving

Standard or class in which applicant was on leaving

Whether applicant was a half-timer before leaving and, if so, how long

Whether attending or proposing to attend any continuation or technical school, and, if so,
in what course or subjects, and whether in the day or evening

Employment or employments since leaving school:

(1)

(2)

(3)

Employment desired

Whether willing to be apprenticed, and if so whether a premium can be paid

Whether willing to take work at a distance

Remarks

FINANCIAL STATEMENT.

The national system of labour exchanges which it is proposed to establish under the present Bill contemplates the division of the United Kingdom into 10 great districts, each Division being a unit complete in itself, under the supervision of a Divisional Central Office or "Clearing House," and containing a network of minor exchanges, varying in importance with the localities which they serve. The Divisional Centres will be co-ordinated with each other and with the central office or "National Clearing House" of the whole system, which will be situated in London.

For the complete and efficient organization of this system, at least 240 Exchanges will probably be required, and the best and more economical method for the provision of accommodation for these Exchanges has been carefully considered by a small committee of the Board of Trade.

The Exchanges have, for the purposes of convenience, been very roughly classified as follows:—

- A. For towns with over 100,000 inhabitants.
- B. For " " from 50,000 to 100,000 inhabitants.
- C. For " " 25,000 to 50,000 inhabitants and suburban districts.
- D. Docks and Casual Labor Centres (Waiting rooms).

It has been estimated that the numbers of each of the types of offices will be approximately:—

- A. From 30 to 35.
- B. From 40 to 45.
- C. From 130 to 160.
- D. (Waiting rooms), from 20 to 30.

This is exclusive of the Divisional Clearing Houses, which will be located in the same building as the principal Exchange in each Division, and the Central Office or National Clearing House in London.

It will not, of course, be possible to bring the whole system into being during the present financial year; the utmost that can be done will be to set up about half the total number proposed, but these will include nearly all the more important Exchanges, the remainder being established in 1910-11.

The method which it is proposed to adopt as a rule at the outset is to hire existing premises throughout the United Kingdom, and to carry out the necessary alterations and adaptations to fit them for the purposes of Labour Exchanges.

The accommodation required for these Exchanges is, however, necessarily of a somewhat special character, including adequate rooms, commanded by and easily accessible from the offices set aside for the staff. This is not always readily obtainable, and, especially in the case of the more important, *i. e.*, the Class A. Exchanges, it is not likely that entirely suitable premises will be obtained without a great amount of costly adaptation. For this reason especially, and generally for the more efficient working of the system, it is proposed eventually to erect buildings, at least for the Class A. Exchanges, such construction being spread over a period of some 10 years. While this course will necessitate additional capital expenditure, the estimates which have been framed go to show that it will result in considerable ultimate economy owing to saving of rent.

Estimates have been framed showing the probable cost of renting and adapting premises for the different types of Exchanges. This expenditure falls naturally into two divisions—viz. (1) Initial expenditure, for alterations, fittings, and furniture; and (2) Annual expenditure, for rent and taxes, heating, lighting, and maintenance. The total amount for each of these categories is estimated to be approximately 100,000*l.* and 60,000*l.* respectively, for the full number of Exchanges contemplated.

The eventual cost of purchasing sites and erecting buildings for Class A. Exchanges would, it is estimated, amount to some 180,000*l.*, and as has already been pointed out, this process would be spread over a period of years, probably about 10. The 10 Exchanges housing the Divisional Clearing Houses should, however, be constructed in two years (*i. e.*, in the years 1910-11 and 1911-12), as it is most important that the Divisional Centres should be suitably housed and adequately equipped at the earliest moment possible. The saving effected in annual cost of rent, &c., at the end of the period of construction has been estimated to amount to about 10,000*l.* per annum.

The initial expenditure on buildings, including sites, would amount to about 65,000*l.* in the present financial year, 65,000*l.* in the following year, 36,000*l.* in 1911-12, and rather under 20,000*l.* in each of the following six or seven years; the annual expenditure on rental, upkeep and maintenance would rise from about 10,000*l.* in the present year to about 50,000*l.* in 1910-11. In 1911-12 the figure would amount to about 55,000*l.* and would decline gradually to about 45,000*l.* as the building of premises for the exchanges is completed.

Each exchange will have a staff varying from the single clerk-caretaker of a simple waiting room to the staff of about a dozen for a Divisional Clearing House. The total number of officers of all grades required will probably be over 800, and the average annual cost of salaries and wages when the scheme is in complete working order is estimated approximately at 95,000*l.* The expenditure of salaries in the present financial year will be about 15,000*l.*, in the second 65,000*l.*, rising ultimately to the figure stated above.

The two items already dealt with cover the major portion of the amounts required.

In addition to this, postage, printing, and stationery, is estimated to account for another 25,000*l.* a year; and telephones, which form a most important feature of the system, together with travelling and incidental expenses, will require about 12,000*l.* more.

The total sum in respect of expenses other than on account of salaries and buildings is thus about 37,500*l.* In the present year about 12,000*l.* will be required under this heading.

The total expenditure, so far as can be estimated at present, will be approximately as follows:—

	£
1909-10.....	100,000
1910-11.....	210,000
1911-12.....	210,000
1912-13.....	200,000
1913-14.....	200,000
1914-15.....	200,000
1915-16.....	200,000
1916-17.....	200,000
1917-18.....	200,000
1918-19.....	200,000
1919-20 and subsequent years.....	180,000

APPENDIX VI.

"Labor Market Letter" issued monthly by the Superintendent of the Boston Free Employment Office. (For the year 1910.)

JANUARY.

It is not too much to say that at present there is plenty of work. We have a large increase in the demand for workers over that of last year at this season, and a considerable decrease in the applications for employment. This is a very good indication of the fact that fewer people are out of a job.

More than 14,000 individual employers have applied to us for men to fill vacancies since we began work, three years ago, and in the majority of instances these applications have been filled and filled satisfactorily. We are not furnishing unskilled labor alone but skilled labor as well. We have applications for men to fill places paying up in the thousands, and some of these applications we have successfully filled, too.

There are positions paying all the way from \$3,000 to \$5,000 a year now waiting. The chief trouble we, in company with other employment agencies, experience is in finding men qualified to fill them. What we want are technically trained men. They are what we are asked to supply, and such men can be placed without the least trouble. You don't hear of technical school and college graduates seeking work. Such men are snapped up and placed in good paying positions on graduation. They are the men that the world wants to-day.

We have not a sufficiency of such men, and the cause for this is the lack of indifference of parents to their children's future.

MARCH.

Labor conditions for Boston and vicinity may be said to be good, very much better than last year. The demand for skilled help, especially in the metal trades, continues large, not alone for Boston and Massachusetts but, so far as I am able to learn, for all New England. Competent machinists at from \$2.25 to \$3 per day, for nine hours, are exceedingly scarce. The G. E. Co., at West Lynn and Pittsfield, and in fact nearly all of the machine shops in New England are in need of competent machinists at the above conditions or better. The Fore River Ship Building Co., to fulfil the Argentine warship contract of \$22,000,000 recently made, will need several thousand additional mechanics, skilled in the different trades.

The demand for help in the industrial lines has been good; in the building trades it should be phenomenal very soon. Agricultural help is not in great demand at present. There is a noticeable scarcity of competent and reliable farm laborers, with evidence that farmers will have to pay more for labor than in previous years.

Just at this season every year ambitious boys, neat and honest, are scarce at wages varying from \$3 to \$5 per week. We have a few good opportunities for apprentices.

We could easily place 500 women at factory work of various kinds, as stitchers, power machine operators, candy workers, also at addressing, at wages ranging from \$5 to \$8 per week or more if they are experienced. We could place several hundred women as domestics in some of the best families in Boston and vicinity at from \$2.50 to \$7 per week, accordingly.

With regard to the supply of labor — there is an unusually large number of unskilled out of employment at this season, men who may be classed as shippers, packers, clerks, janitors, watchmen, collectors and general workers, — men who are willing to work for from \$8 to \$15 per week.

We have a large supply of women who desire employment at work by the day such as cleaning, washing, etc., at 15c an hour, who prefer to go home nights. There are also several hundred young women eligible as office clerks at \$5 to \$9 per week.

APRIL.

There has been a decided improvement in the demand for help at this office during the past few weeks. The demand for skilled help and farm hands far exceeds the supply. The supply of unskilled help remains about the same.

No first class mechanic need be idle, provided that he is willing to accept employers' terms. We now have a demand for first class tool-makers, punch and die-makers, carriage and sign painters, draftsmen, lathers, carpenters, wagon-makers, women for factory work, also farm hands.

The demand for housework girls has been greater than the supply during the depression, and now that business has started up again the demand has greatly increased.

In a few weeks the summer resorts will commence to engage their help for the season, which begins about June 15. Temperate and industrious persons with some skill can secure employment more readily than at any time within the past 17 months.

MAY.

Conditions in the Labor Market of New England are decidedly better than a year ago. The demand for help skilled in the agricultural, building, and industrial lines has been exceedingly large, nearly 50 per cent. greater than last season with a slight increase in wages offered. Machine shop and foundry hands have been in great demand and are exceedingly scarce all over New England. Many shops are running night and day. We have had a demand for skilled help from various sections of the country but could not fill the orders if we wanted to as under our law we must give preference to residents of Massachusetts. So far as I have been able to learn there never has been a greater demand for skilled workmen everywhere than at the present time.

In commercial or mercantile lines business has not been brisk for some time. I had hoped for an improvement before this but there does not seem to be any immediate prospect of better conditions.

We have had an excessive demand for female help of all kinds factory, hotel, housework, and restaurant, with really no good material on hand with which to supply such demand. The warm weather is about here and the proprietors of summer resorts, from present indications, are going to have difficulty in securing a sufficient supply of help, unless something unforeseen happens.

We have unfilled orders for more than 200 housemaids in some of the best private families in greater Boston.

The supply of men who desire light general work, such as clerks, shippers, packers, janitors, porters, or watchmen, is surprisingly large just now, with very little demand at any price. The market is overcrowded with such help. They are asking from \$10 to \$15 per week with no offers. There is plenty of work for such help in the country but they are unwilling to leave the city and its allurements.

The demand for good boys at from \$3.50 to \$6 per week cannot be supplied just now but very soon the market will be well supplied as is the case every year when school closes. Boys and men with a technical training, graduates of either Technology or Mechanics Art High are always in demand.

JUNE.

The labor conditions for Boston and vicinity, and I may say for all New England, continue good. There is really no unemployment among willing industrial workers. There is an unprecedented excessive demand for female help, as domestic, factory, hotel and restaurant workers. Business in the mercantile and retail lines, due to unseasonable weather of the past month, has been exceedingly quiet. The demand for agricultural help has shown an increase over last year with better wages offered. Notwithstanding the usual adjustment of labor conditions which occur during the late spring, there has been no unusual disturbance this year.

This is largely due to a better feeling existing between employers and employees. Three weeks ago 2,500 of the machinists of Boston and vicinity struck for improved conditions with less than 300 on strike now.

There is a great demand for help at the summer resorts which is usual at this time of year.

JULY.

The labor market, viewed from the State Free Employment Office at Boston, may be said to be normal for this time of year. There has been a slight decrease in the demand for industrial help of all kinds. Manufacturers are going slowly for fear of over-production. The demand for skilled workmen, except in certain seasonal occupations, has been fairly good. There has been a fair demand for stenographers and bookkeepers as substitutes during the vacation period, with a reasonable supply on hand. There is evidence of a decrease in the demand for female factory help.

Construction is not especially brisk at present. There are quite a few building tradesmen idle, although not as many as there were last year. There has been a slight cessation in the demand for machine shop and foundry hands.

The demand for summer hotel help for the past month has been excessive, with a limited supply. From present indications such help will be scarcer in the future. Present orders are to fill vacancies only. A large portion of the help at summer resorts are students and teachers, who take this means of securing a vacation and earning a little money. We have had a large demand for such help from adjoining states, but under our law, we must give preference to residents of Massachusetts.

There is a noticeable improvement in the farm labor market, compared with last year, which is largely due to the campaign of education that has been going on for a year or more. The "back to the land" talk has been exceedingly beneficial to the farmer. Agricultural help has been in good demand with a fair supply, all things considered, at increased wages.

There is a large supply of boys, who are seeking vacation jobs, with a chance to learn trades — rather more than there were last year, with really no demand. This increased desire of the youth to learn a trade seems to be due to the social evolution which has been in progress for several years, with regard to vocational and industrial education. Greater care is being exercised by employers with regard to the employment of children under the school age.

There is a large class of unskilled, who will not work, who should be made to work on the land where they will not come into competition with free labor. The state should send all such persons who will not work to some institution where they will be made to work and join the producing class. They might be leased on some equitable basis to the farmers of the state on parole, and if they perform their work well, and prove to be of steady habits for a certain period, they could be allowed a portion of the money earned, as an incentive to industry.

This is only a suggestion, however, which could, no doubt, be improved on. One thing is certain, and that is, something must be done shortly to minimize the number of non-producers — those who will not work — and also to minimize the number of unskilled in the large cities.

We could easily place 500 domestics, 200 waitresses, 100 chambermaids, 50 scrub women in hotels and institutions, also kitchen women and cooks in city and summer resorts at good wages. Female help is in great demand everywhere, with really no supply. The number of those who formerly did such work grows less, with no prospect of improvement.

AUGUST.

The condition of the labor market as viewed from the State Free Employment Office at Boston, may be said to be normal for this time of year. There is a large demand for female help of all kinds, with a limited supply of good material on hand. A large number of engineers and firemen are idle, rather more than there were last year. Building mechanics, painters, and carpenters, are plenty with no demand. There are quite a number of machine shop and foundry hands idle. High grade mechanics such as toolmakers and certain kinds of specialists in the metal trades are scarce. First-class cabinet makers are in demand. Farm help is in good demand, with a limited supply. Farmers are not offering high wages for such help. Hotel and restaurant proprietors at the summer resorts and in the city have been experiencing great difficulty in securing enough competent help in the culinary departments.

Very many boys and young men, rather more than usual, are applying for positions as apprentices and to learn trades, with few opportunities to place them.

We have a small army of men of all ages who are seeking employment as clerks, collectors, watchmen, bookkeepers, shippers, janitors, caretakers, handy men, elevator tenders, and in fact any kind of light general work, with absolutely no demand for their services.

There is a surprisingly large number of vagrants — men unwilling to work — in this city.

SEPTEMBER.

Conditions in the Labor Market as viewed from the State Free Employment Office at Boston, remain about the same as reported for the month of August, except that there is an increased demand for boys on account of school opening. There is an excessive demand for young men and boys for errand and office work, with a limited supply of good material on hand. An unusually large number of young men and boys are seeking an opportunity to learn a trade. Employers do not seem to be offering such opportunities for apprentices as they did years ago.

The demand for skilled mechanics continues good. The unskilled are still with us in large numbers, many of whom are unwilling to work. The demand for domestics is exceedingly large with a limited supply. Factory help (female) is still in demand, which is usual for this season.

High grade mechanics in the metal trades are in great demand in the Connecticut Valley. Business in nearly all industrial lines in the New England States, everything considered, may be said to be fairly good. Manufacturers, generally speaking, are not overstocking the market; a few here and there are running overtime but only to keep up with orders.

Reports received from the Middle and Far West indicate great activity especially in the agricultural line—harvesting and mowing the large crops. In the South and Southwest there is great activity and the demand for help of nearly every kind, chiefly able-bodied laborers and domestics, is enormous. Large manufacturing plants of all kinds are springing up in the newer sections of the country, South and West, so that thousands of workmen for a large variety of occupations will be constantly needed in those sections. Undoubtedly, there are thousands of men and women who would be glad to take up employment in these sections if they only knew from some reliable source where employment could be secured.

New business for employers is increasing at the rate of more than six hundred a month, so that the office now has more than 16,000 employers, representing nearly every known kind of business.

OCTOBER.

The condition of the labor market, as viewed from the State Free Employment Office at Boston, remains about the same as last year. The aggregate demand, for the month of October, generally speaking, has decreased materially, with an increase in the supply. There are very many unskilled idle, rather more than for some time past. The amount of building contracts is not up to last year by several millions of dollars, which, together with the approaching cold weather, is responsible for the large number of building tradesmen being idle—very many more than there were last year. Owing to the recent agreement between the Thomas G. Plant and United Shoe Machinery Companies, there are several thousand shoe factory hands idle in this city. The demand for boys has fallen off greatly. The demand for help in the clothing (custom), printing and publishing trades is much better than last year. Plumbers and steamfitters are scarce just now, and will be for some time to come. There are a great many engineers and firemen idle; the open weather is to some extent responsible for this condition. There is a goodly number of machinists and helpers idle all over New England. The supply of auto drivers is increasing more rapidly than the demand.

The situation as regards the demand for waitresses and chambermaids has improved somewhat as compared with last month. Factory help (candy, paper box, and novelties), also garment workers, are still in fair demand with a limited supply.

The demand for housework girls remains about the same with a better supply, everything considered.

NOVEMBER.

Conditions in the labor market, as viewed from the State Free Employment Office at Boston, are not as encouraging as they were last month, or even a year ago. The demand for help has decreased more than 30 per cent., while the supply of help has increased nearly 10 per cent., compared with the month of October. Some of the demand has been only for temporary help. Ordinarily business at this season of the year is dull, but it seems to be unusually quiet just now. An exceedingly large number of unskilled help are idle at present. The unseasonable weather of the past few months is largely responsible for much unemployment.

Retail business has not been active, and that condition has had its effect upon the wholesale trade. Manufacturers are proceeding cautiously and not over-producing.

The year ending November 30th, has been the best since the office opened, everything considered. A much larger volume of business has been transacted, covering a wider field of activity than in any previous year, but the month of November, compared with other months of the year just closed, has not been up to normal.

Several months ago, the "Help Wanted" ads. in the papers exceeded the "Situations Wanted;" just at this time, the "situation wanted" ads. are increasing.

The strict observance of the recent law in regard to school attendance has eliminated a considerable number of boys and some girls from the labor market, and bright boys are not as plentiful as usual.

A goodly number of housework girls can be furnished now, which is another sign of industrial quiet. If employers will call at this office between 2 and 3 o'clock they can

make a selection from a large number who are seeking positions at housework. This is a rare occurrence, as such help is generally very scarce at any period.

DECEMBER.

Labor conditions as viewed from the State Free Employment Office at Boston, may be said to be a little below normal, although for the year it has been exceedingly good. For the month of December as compared with a year ago there has been a material increase in the supply, while the demand has remained practically the same.

In the unskilled male department there has been a 60 per cent. increase in the supply compared with December, 1909, while the demand for help has been normal, showing conclusively a larger number out of work than there were last year at this time. Fully 30 per cent. of those who applied for work were aliens who could speak little or no English at all, a majority of whom desired work in the culinary departments of hotels and restaurants or mill or factory work. The demand for such help has been exceedingly small. The other applicants were men accustomed to do all kinds of general work; teaming, farming, heavy labor, and general work. On reasonable notice any number of unskilled help can be supplied at market rates.

In the Skilled Male Department business has been unusually quiet since December 1st, although in a general way it is somewhat better than a year ago. There may be an improvement after January 1st. There are countless engineers, firemen, and machinists idle at the present time. The lack of opportunities for machinists of all kinds is perhaps due to conditions usually surrounding the holiday season, and also the dullness in the steel market. Clerks, bookkeepers, chauffeurs, and general mercantile help are idle in large numbers, which is not especially unusual at any season.

Business in the Apprentices' or Boys' Department shows a little improvement as compared with last month and a year ago at this time. The prospects, therefore, appear good because showing constant progress. Errand boys are chiefly represented in the supply and also in the demand. More boys are seeking opportunities to learn a trade than formerly, but there is little demand for their services.

In the Unskilled Female Department there has been a slight decrease in the demand for help as compared with last month and this same time last year, while the supply has materially increased. The greatest call is for housework girls, kitchen women, and cleaners by the day. The greatest supply is of people who desire work where they can room at home with their families. There is very little demand for hotel help at this season of the year.

In the Skilled Female Department during December the demand was for a smaller number of people than in November, while the number of positions secured was larger. As compared with December, 1909, the showing is much better. The number of applicants for work in November and December, 1909, was larger than for the same period this year. The supply at this season is somewhat limited; most of the demand is for factory help out of town. There is a large supply of waitresses and chambermaids, who prefer to room at home; also for store and office work, printing and publishing help. This quiet season is not unusual as it is between seasons, and a number of firms take advantage of the dull period to take stock, thereby needing fewer employees.

JANUARY, 1911

The labor market for the month of January, as viewed from this office, is a trifle below normal, as compared with the two preceding years for the same month. The daily average demand for help was 45, as compared with 54 for last year, which is a decline of 16 per cent. The supply of help seeking work in practically all lines, skilled and unskilled, was 162, as compared with 118 in 1910, 130 in 1909, and 205 in January, 1908, which was the panic year. The daily average number of positions reported filled during the past month was 31, as compared with 42 in 1910, 28 in 1909, and 42 in January, 1908, so that it will be seen that there has been a slight falling off in the demand, a large increase in the supply, and a decrease of 25 per cent. in the number of positions reported filled. Of course there is always greater unemployment during the winter months, but during the past month it has been unusually quiet.

What little demand there has been was chiefly of a temporary nature.

Reports from industrial concerns show curtailment, short time, or total cessation of production in very many cases, representing about every kind of business, especially those affected by weather conditions of the season.

A goodly number of skilled mechanics are idle, rather more than usual for this season. The unskilled we have with us in constantly increasing numbers; men seeking employment as clerks, bookkeepers, collectors, shippers, and light general work of any kind which will offer any reasonable remuneration for the services rendered.

The demand for factory help (female) is fairly good but the wages offered can not be said to be alluring, especially as a large portion of such demand is for help out of town. Most young girls, and in fact older ones too, can not afford to leave home and support themselves at the wages offered, whereas if the opportunities offered were in or near the city where such help could live at home they perhaps, might be willing to consider the offers. Domestics are scarce as usual.

APPENDIX VII.

A STUDY OF 439 CASES TREATED BY THE CHARITY ORGANIZATION SOCIETY OF NEW YORK
WHOSE DESTITUTION WAS DUE PRIMARILY TO UNEMPLOYMENT.

Out of about 1,500 cases which were closed by the Charity Organization Society during the year there were 439 in which the destitution was due principally to lack of work. This is about 29 per cent. which is slightly greater than the percentage found by Professors Gidding and Mayo-Smith who made a study of the cases treated during 1898-1899. They found 25 per cent. of the destitution caused by "Lack of employment not due to employee." The remarkable thing about the results found in these records is that in general the men are of the same kind that were found in the Municipal Lodging House, except that the men who applied to the Charity Organization Society were family men. But in nationality, in age, in the trades which they followed and in the casual nature of their employment the two sets of men are in the same class. They are not strong characters, but neither are they bad men. They are of the average type of man that follows the unskilled trades. They live up to their incomes which are not very large. Work usually brings \$2.00 a day, but a few weeks of unemployment brings destitution.

Of the 439 heads of families who were out of work through no fault of their own 167 or 38 per cent. were native born Americans. The next highest group were the Irish who numbered 98 or 22 per cent. Then came the Italians who were represented with 75 cases or 17 per cent. of the total number. The complete table is as follows:

NATIONALITY OF UNEMPLOYED TREATED BY CHARITY ORGANIZATION SOCIETY.

Country.	Number.	Per cent.
United States.....	167	38.0
Ireland.....	98	22.3
Italy.....	75	17.0
Germany.....	33	7.5
England.....	20	4.6
Austria-Hungary.....	19	4.4
Other countries.....	27	6.2
	439	100.0

While almost two-thirds of the heads of families were immigrants, they were not recent immigrants. Four-fifths of them were in this country five years or more. About two-thirds were here more than ten years, while almost 40 per cent. had been residents of the United States twenty-five years or more.

IMMIGRANT APPLICANTS — LENGTH OF RESIDENCE IN THE UNITED STATES.

Years.	Number.	Per cent.
Less than 5.....	49	18.0
5-10.....	45	16.5
10-15.....	34	12.5
15-20.....	52	19.1
20-25.....	46	16.9
25-30.....	18	6.6
Over 30.....	17	6.3
Unknown.....	11	4.1
Total.....	272	100.0

When we come to the ages of the men who were destitute because of lack of work, the greatest evil of unemployment becomes apparent, viz., the waste of the State's greatest asset, the labor power of its citizens. Almost one-fourth of all the men were between the ages of 36 and 40, and almost two-thirds of them were in the very best ages of working life, under forty years old. A very slight proportion can be said to have been superannuated.

AGE DISTRIBUTION OF HEADS OF FAMILIES DESTITUTE BECAUSE OF LACK OF WORK.

Years.	Number.	Per cent.
15-20.....	3	0.7
21-25.....	28	6.4
26-30.....	64	14.6
31-35.....	89	20.3
36-40.....	104	23.7
41-45.....	62	14.1
46-50.....	44	10.0
51-55.....	17	3.9
56-60.....	8	1.8
Over 60.....	8	1.8
Not given.....	12	2.7
	439	100.0

It is difficult to classify the occupations of the men because there were so many of them. But two important facts are to be noted regarding the occupations. First, the majority of them were unskilled trades, and secondly, the skilled trades represented were those which are highly seasonal in their demand for labor. Thus about half the men were laborers, teamsters or longshoremen and about 15 per cent. belonged to the building trades. Laborers and the building trades were the two most highly represented callings. This seems to be the rule every year, for in 1898-1899, Professors Giddings and Mayo-Smith found exactly the same trades most highly represented. We can see here two of the main causes of distress. Irregular or casual employment is characteristic of unskilled labor, and seasonal fluctuations mark the building trades. Despite the high wages in the latter, the discontinuous employment seems to have a demoralizing effect.

The records of the Charity Organization Society give the period of unemployment at the time the application is made. The figures in the following table, then, do not show the time actually out of work, for in most cases the men continued out of work long after the application was made. The figures are valuable, however, as showing how long it takes a family to become destitute after the man is thrown out of employment.

PERIOD OUT OF WORK OF HEADS OF FAMILIES DESTITUTE BECAUSE OF LACK OF WORK.

Weeks.	Number.	Per cent.
1-4.....	84	19.1
5-8.....	92	21.0
9-12.....	57	13.0
13-16.....	42	9.6
17-21.....	28	6.4
22-26.....	27	6.1
27-31.....	10	2.3
32-36.....	13	3.0
37-52.....	12	2.7
Irregular.....	42	9.6
Not given.....	27	6.1
Over 1 year.....	5	1.1
Total.....	439	100.0

About 10 per cent. were recorded as having been irregularly employed. The percentage is undoubtedly much greater. Among those whose period of unemployment was not given, and among those who were out of work more than three or four months, very many had probably worked irregularly. Aside from the irregularity of employment, it is important to note that in a majority of the cases the men were out of work less than three months. In a few cases was the idleness protracted.

The reason for this quick destitution after loss of work becomes plain when we look at the earning power of the men.

EARNING POWER OF HEADS OF FAMILIES DESTITUTE BECAUSE OF LACK OF WORK.

Amount.	Men.	Per cent.
Less than \$5.....	5	1.2
5-8.....	43	10.2
9-12.....	209	49.5
13-16.....	97	23.0
17-20.....	41	9.7
21-24.....	10	2.4
25 and over.....	17	4.0
	422	100.0

About half of those whose wages were given earned from nine to twelve dollars. Two-thirds of them earned twelve dollars or less per week, and almost 90 per cent. made less than \$3 per day when working.

When this earning capacity is compared with the number of those who are dependent upon the head of the family for support, we see how inevitable the destitution must be as soon as unemployment comes. By dependents in the table following is to be understood those who are dependent upon the head of the family for support. Wives who go out to work and children who contribute to the family income are excluded.

DEPENDENTS UPON HEAD OF FAMILY FOR SUPPORT.

47 had no dependents.
39 had 1 dependent.
72 had 2 dependents.
85 had 3 dependents.
68 had 4 dependents.
63 had 5 dependents.
42 had 6 dependents.
16 had 7 dependents.
3 had 8 dependents.
3 had 9 dependents.
1 had 10 dependents.

The characteristic of these families is that the children are too young to work and so supplement the father's earnings. In only 64 out of 439 cases were the children of working age, and out of these 43 had but one child able to help in the support of the family. This condition compels the wives to go to work and we find that in almost half the cases (191) the women did go out to work.

The number of applications that a family makes for charity throws some light upon the character of the family. These 439 families who suffered from lack of work do not appear to have been habitual receivers of relief. Just half (219) of the families had applied for the first time. In 100 cases it was the second application, and in most of the latter classes the first application was made in 1908, the year of industrial depression. Twenty-five per cent. of the families had made application three times or more. In a considerable number of these cases the first application had been made during the depression of 1893-1894. It would appear from these facts that these families were on the whole not habitual receivers of charity; but irregular employment sent a good portion of them to the Charity Organization Society a number of times.

Practically all the cases here considered were those in which the reason for closing the case was that the man had secured work, making the family self-supporting. The length of time that the families remained in the care of the Charity Organization Society varied from a few days to two and four years. But the latter were exceptional cases in which other misfortune besides lack of work had befallen the family. The treatment received was in most cases of short duration. Three-fourths of the families were self-supporting within five months after their application was made. About half received treatment last three months or less. On the whole the experience of the families seems to have been that they needed helping over a rather short period of idleness.

PERIOD IN CARE OF THE CHARITY ORGANIZATION SOCIETY.

Time.	Number.	Per cent.
Less than 1 month.....	39	9.2
1- 2 months.....	81	19.1
2- 3 months.....	63	14.8
3- 4 months.....	61	14.4
4- 5 months.....	48	11.3
5- 6 months.....	26	6.1
6- 7 months.....	17	4.0
7- 8 months.....	18	4.2
8- 9 months.....	18	4.2
9-10 months.....	14	3.3
10-11 months.....	5	1.2
11-12 months.....	5	1.2
Over 12 months.....	30	7.0
	425	100.0

The fact that the Charity Society marks a case "closed" because the man secured work, does not end our interest in the family. We must look into the kind of work the man has secured. Unfortunately the record does not always show this. In many cases, however, the work secured was irregular, and it is evident that these are the cases in which re-applications for aid will be made. In 85 cases the character of the work secured is indicated by the wages which the men received. Seventy-five out of 85 men resumed work at lower wages than they had earned previously. The reductions varied from one dollar to twenty dollars per week; but in the majority the man on resuming work earned from two to five dollars less per week than he had formerly earned.

The effects of unemployment as gathered from the records in these cases illustrate very strongly what the most dangerous results of unemployment are. First, is the fact that when a man is thrown out of regular employment he is likely after a time to take any job that is offered. This draws him into the great group of irregular, casual laborers. At first, unable to get steady work, he soon becomes unable to work steadily, even if the work be available. Secondly, the unemployed workman with a family to support is apt to resume work after a period of idleness at a wage lower than his real earning capacity. The necessity of his condition compels him to accept any wage that is offered. Thirdly, the lower earning capacity of the men compels the women to go out to work, and that means several children neglected. And fourthly, the children neglected while they are under the legal working age, are sent to work as soon as the law allows. The reason that we found such few cases in which children were contributing to the support of the family is that they were too young. As soon as they reach the legal age they help to keep the family self-supporting; but they are seldom trained in any occupation which will make them capable of supporting a family when they grow up; for that means a period of apprenticeship with little or no earnings, and the family needs the earnings of the child at once. Thus is the cycle repeated. The present family's self-support is secured by making the future generation liable to dependency.*

* It is interesting to compare the results found in these cases with the experience of the Association for Improving the Condition of the Poor, the other great charitable agency in New York City. The following letter is taken from the report of the A. I. C. P. for 1908.

April 10th, 1908.

"My Dear Sir:— In answer to your letter containing five questions about the experience of our Relief Department in dealing this winter with the unemployed, I am glad to send you the following statement :

"I. Of the unemployed men without homes who have been offered work through our Joint Application Bureau, 87 3-10 per cent. have accepted and done the work.

"II. Of the unemployed men with homes and families who have been offered work through the Relief Department, 83 per cent. have done the work.

"III. We have to-day on our list 787 able-bodied idle men with families depending upon them for support. Many of them hold excellent references from former employers, many are using all the Woodyard tickets that we can possibly give them, and there is little doubt that at least 725 out of the 787, or 90 per cent. would accept work if we could offer it.

" IV. You ask what percentage of our applicants are brought to us through no fault of their own, and our estimate is about 90 per cent., based upon the following table, made up from a list of 300 unpicked applications:

	Number.	Per cent.
Sickness.....	88	29 $\frac{1}{3}$
Loss or lack of work.....	106	35 $\frac{1}{2}$
Insufficient work, or wages.....	54	18
Old age.....	6	2
Accident.....	8	2 $\frac{2}{3}$
Death.....	4	1 $\frac{1}{3}$
Intemperance.....	18	6
Man's imprisonment.....	2	$\frac{2}{3}$
Man's desertion.....	6	2
Shiftlessness and inefficiency.....	8	2 $\frac{2}{3}$
	300	100

" The eighteen intemperate and eight shiftless may reasonably be called ' their own fault,' and although not the fault of the wives and children who apply for aid, the six ' desertion ' and two ' imprisonment ' cases may possibly be put in the same class. But the other 266 or 88 $\frac{2}{3}$ per cent. of the 300 cannot fairly be classed as ' their own fault,' judging as we must by present and comparatively recent conditions.

" The answer to your fifth question, ' If industrial and living conditions were what a reasonable standard of living demands, what percentage of your people would be self-sustaining? ' we would say that 70 per cent. of our applicants would probably require no outside aid if work could be regular and continuous, and wages proportionate to service rendered and price of living. I am in this figure subtracting from the probable 90 per cent. who would accept offered work, a group numbering 20 per cent., who, even with employment and living conditions of a desirable standard, would probably fall behind through poor management or general inefficiency. The treatment of this 20 per cent., however, under good industrial and living conditions, should consist of direction and educational attention rather than of material relief."

APPENDIX VIII.

FORMS OF INQUIRY SENT OUT BY THE COMMISSION TO EMPLOYERS AND TRADE
UNIONS, NEW YORK.

METROPOLITAN LIFE BUILDING.

NEW YORK, August 10, 1910.

DEAR SIRs:

This Commission, having made its report to the Legislature upon Employers' Liability has now turned its attention particularly to the other subjects assigned to it for consideration. For the purpose of our inquiry into UNEMPLOYMENT in the State of New York, it seems important that we should have before us the views of representative employers of labor and as full information as we can secure from them, as called for by the accompanying interrogatories. On behalf of the Commission I have, therefore, to respectfully request that you will aid it in the prosecution of its labors by making as full answers in writing as possible to the attached list of questions, and in addition we will be glad to receive from you your observations as to any matter relating to unemployment not asked for or suggested by such questions.

It is requested that your reply be received not later than September 1, 1910.

Yours very truly,

J. MAYHEW WAINWRIGHT,

Chairman.

Address all communications to:

J. M. WAINWRIGHT, *Chairman*,
Metropolitan Life Building,
New York City.

1. Give the number of your employees on or about the 15th day of each month during the year 1909. (The figures given the United States Census will do.)

January.....	July.....
February.....	August.....
March.....	September.....
April.....	October.....
May.....	November.....
June.....	December.....

2. Give the greatest number of your employees at any one time during each of the following years, and the least number. (Fill in as many years as possible.)

Year	Greatest	Least	Year	Greatest	Least
1900			1905		
1901			1906		
1902			1907		
1903			1908		
1904			1909		

3. What are the main reasons for the fluctuations in the number of your employees?
4. During 1909 how many months was your plant working full time?
How many months part time?
5. How many days was your plant idle during 1909, and what were the reasons for closing down?
6. Are you always able to get all the help you want?
 - a. What kind of labor do you find scarce?
 - b. What kind of labor is over-supplied?
7. How do you get your help:
 - a. Through an employment agency?
 - b. Through the newspapers?
 - c. By application at your plant?
8. If you are at all familiar with the operation of labor exchanges or free employment offices as established by the general or State governments in several foreign countries and States of the United States, would you favor the State of New York establishing or conducting such an exchange or office?
9. Remarks. (Any opinions or observations of the causes, extent, effects of unemployment and remedies therefor will be greatly appreciated.)

Name.....

Address.....

Business.....

METROPOLITAN LIFE BUILDING.

NEW YORK, August 10, 1910.

DEAR SIRs:

This Commission, having made its report to the Legislature upon Employers' Liability has now turned its attention particularly to the other subjects assigned to it for consideration. For the purpose of our inquiry into UNEMPLOYMENT in the State of New York it is important that we should have before us the views of representative associations of workmen on this subject, and we believe that you must have experience and information which can be of great value to us in our labors in connection with this subject. On behalf of the Commission, therefore, I have to respectfully request that you will make as full answers in writing as possible to the attached list of questions, and in addition we will be glad to receive from you your observations as to any matter relating to unemployment not called for or suggested by such questions.

It is requested that your reply be received not later than September 1, 1910.

Yours very truly,

J. MAYHEW WAINWRIGHT,

Chairman.

Address all communications to

J. M. WAINWRIGHT, *Chairman*,
Metropolitan Life Building,
New York City.

1. Is unemployment a grave problem in your trade?
2. What percentage of your members have work the year around?
3. How much time during the year does the average workman at your trade lose?
4. Is your trade seasonal? If so, how many months is it busy? how many months is it slack? how many months is there no work?
5. If a man worked the year around at your trade what would be his earnings? What are the actual annual earnings of most of your members?
6. How do your members secure work when they are out of employment?
7. Does your union have an employment bureau, or a register of unemployed members?

8. Does this register show, or do you know whether there are at all times through the year some of your members out of employment?

9. What is the least number of members that you have had unemployed at any time during the last year? What is the greatest number?

10. What are the main causes of unemployment among your members?

11. If you are familiar with the operation of labor exchanges or free employment offices as established by the general or state governments in some foreign countries and States of the United States, do you believe it would be wise for the State of New York to establish and conduct such exchanges or offices? Do you believe that your members would patronize such exchanges or offices?

12. Does your union pay any unemployment benefit or make any provision for unemployed members?

13. Remarks. (Any opinions or observations on the causes, extent, effects of unemployment and remedies therefor will be greatly appreciated.)

Name of Union.....

Secretary.....

Address.....

.....

APPENDIX IX.

TABULATION OF REPLIES RECEIVED IN RESPONSE TO INQUIRIES SENT TO EMPLOYERS.

TABLE I.
NUMBER OF WAGE-EARNERS EMPLOYED IN NEW YORK STATE EACH MONTH BY INDUSTRIES, 1910.

	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
Food and kindred products.....	11,031	11,382	11,960	11,987	12,017	12,382	13,173	13,328	13,174	13,207	13,797	12,513
Textiles.....	41,923	42,997	43,249	42,816	42,663	42,565	42,047	41,703	42,503	43,810	44,193	44,836
Iron and steel and its manufactures.....	21,326	21,631	22,523	21,691	21,622	21,875	20,469	21,289	23,771	19,882	25,816	26,184
Lumber and its manufactures.....	7,159	7,056	7,253	7,521	7,660	7,733	7,555	7,763	7,988	8,108	8,306	8,161
Leather and its finished products.....	2,578	2,645	2,568	2,552	2,395	2,387	2,368	2,418	2,462	2,478	2,520	2,569
Paper and printing.....	4,251	4,702	4,850	4,515	4,851	4,792	4,606	4,721	4,825	4,964	4,953	4,807
Liquors and beverages.....	674	684	706	707	713	757	808	781	734	720	739	721
Chemicals and allied products.....	1,328	1,251	1,260	1,407	1,258	1,300	1,338	1,341	1,263	1,366	1,357	1,318
Clay, glass and stone products.....	1,568	1,689	2,225	2,614	2,947	3,201	3,240	3,123	3,107	3,029	2,725	2,554
Metals other than iron and steel.....	3,665	3,578	3,589	3,705	3,770	3,839	3,953	4,085	4,195	4,474	4,570	4,515
Tobacco.....	4,180	4,087	4,120	4,164	4,288	4,170	4,453	4,598	4,541	4,551	4,630	4,713
Vehicles for land transportation.....	6,286	6,476	5,690	6,175	6,207	5,973	5,302	5,528	6,021	6,785	8,037	8,546
Ship building.....	820	821	925	855	883	711	682	613	680	810	815	963
Total manufacturing.....	106,789	108,999	110,918	110,709	111,274	111,671	109,994	111,291	115,264	114,184	122,458	122,400
Mercantile establishments.....	3,442	3,375	3,503	3,614	3,665	3,618	3,430	3,191	3,756	3,983	4,238	4,981
Bldg. and construction.....	1,614	1,480	1,679	1,826	1,644	2,225	2,411	2,411	2,713	2,418	2,713	2,705
Railroad and railway employees*.....	160,478	159,574	161,425	164,441	165,554	166,935	168,522	169,785	170,289	171,591	171,392	173,947
Light, heat and power cos..	3,436	3,545	3,601	3,641	3,889	3,992	4,071	4,041	4,080	4,148	4,073	4,015
Misc. and unclassified.....	46,102	46,799	48,095	48,721	49,004	49,447	49,396	49,670	50,214	51,780	53,398	55,358
Grand Total.....	321,861	323,772	329,221	332,952	335,030	377,888	337,824	340,389	346,360	348,104	365,223	363,406

* Includes employees of Pennsylvania R. R. on all lines east of Pittsburgh, and employees of all kinds of Delaware, Lackawanna & Western R. R. Co.

TABLE II.
GREATEST AND LEAST NUMBER OF WAGE-EARNERS EMPLOYED IN NEW YORK STATE AT ANY ONE TIME EACH YEAR FROM 1900 TO 1909, BY INDUSTRIES.

	1900.		1901.		1902.		1903.		1904.		1905.		1906.		1907.		1908.		1909.	
	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.	Greatest.	Least.
Food and kindred products.....	2,138	1,156	2,182	1,250	2,237	1,307	2,451	1,264	2,346	1,348	2,551	1,478	2,950	1,506	2,808	1,704	2,616	1,560	2,748	1,573
Textiles.....	9,646	7,750	9,641	8,277	10,445	8,866	11,247	9,504	11,747	9,538	12,541	10,166	12,768	10,395	13,053	10,632	12,998	10,647	13,818	11,577
Iron and steel and its manufactures.....	7,304	2,966	7,800	3,773	8,436	4,503	8,748	4,578	9,381	4,878	9,541	4,961	9,400	5,358	10,141	5,937	10,796	4,939	11,803	4,374
Leather and its manufactures.....	1,715	1,366	1,788	1,367	2,017	1,527	2,163	1,607	2,361	1,884	2,768	1,958	2,824	1,908	2,414	2,121	2,796	1,831	2,580	2,773
Lumber and its finished products.....	1,816	1,349	1,788	1,367	2,017	1,527	2,163	1,607	2,361	1,884	2,768	1,958	2,824	1,908	2,414	2,121	2,796	1,831	2,580	2,773
Papers and printing.....	302	228	322	248	366	225	399	266	382	267	420	290	317	232	316	233	318	231	325	237
Beverages.....	502	408	530	428	591	458	634	465	682	467	720	496	771	533	755	538	733	538	728	585
Chemicals and allied products.....	126	90	139	84	153	98	164	104	175	110	181	119	201	121	225	131	241	132	243	207
Clay, glass and stone products.....	1,112	336	1,215	375	1,384	468	1,356	553	1,505	405	1,557	431	1,418	409	1,409	477	1,407	426	1,478	463
Metals other than iron or steel.....	800	336	941	390	1,335	578	1,325	803	1,242	952	1,604	974	1,356	1,074	1,387	1,045	1,205	800	1,261	980
Tobacco.....	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300
Vehicles for land transportation.....	1,060	906	1,830	852	1,864	967	2,041	1,321	2,189	1,183	2,596	1,183	2,385	1,307	2,686	1,832	2,988	1,060	3,602	700
Ship building.....	924	773	1,033	537	1,377	259	1,449	304	1,639	226	1,787	354	1,913	1,385	1,455	1,495	1,277	1,060	3,602	1,433
Total manufacturing.....	26,825	17,456	28,217	18,520	30,337	20,126	32,069	20,954	32,684	20,639	33,076	22,911	35,216	24,033	37,684	26,016	35,755	23,470	38,430	24,630
Mercantile establishments.....	1,399	992	1,398	983	1,415	1,011	1,572	1,092	1,519	1,077	1,730	1,360	1,702	1,333	1,746	1,370	1,857	1,369	1,488	1,291
Building and construction.....	3,377	2,572	3,362	2,723	3,631	2,992	3,602	2,887	3,414	2,963	3,582	3,117	4,189	3,424	4,504	3,902	4,279	3,658	4,140	2,867
Railroad and railway employees*.....	83,476	76,895	97,591	86,588	108,351	94,596	117,760	109,041	114,353	106,864	123,705	112,660	128,981	123,160	135,872	120,061	125,123	113,067	123,819	113,921
Light, heat and power companies.....	726	612	795	656	980	731	1,102	1,057	1,091	941	1,429	1,115	1,181	1,237	1,900	1,252	1,686	1,184	1,957	1,440
Miscellaneous and unclassified.....	14,841	11,144	16,854	12,067	19,284	14,866	20,732	17,036	19,162	15,594	22,596	16,522	25,616	20,149	26,392	18,400	21,176	16,834	26,044	18,203
Grand Total.....	130,643	109,671	148,217	120,537	164,007	134,222	176,937	139,067	171,533	147,988	188,208	157,685	197,645	164,717	208,188	177,961	189,869	159,583	195,878	162,365

*Includes employees of Pennsylvania R. R. on all lines east of Pittsburgh, and employees of all kinds of Delaware, Lackawanna & Western R. R. Co.

TABLE III.

CAUSES OF FLUCTUATIONS IN THE NUMBER OF WAGE-EARNERS EMPLOYED.

To the question "What are the main reasons for the fluctuations in the number of your employees?"—

245 replied:	Increase or decrease of orders.
168 replied:	Seasons.
69 replied:	Busy or dull times.
34 replied:	New work.
33 replied:	Inventory and repairs.
30 replied:	The weather.
14 replied:	Lack of material.
11 replied:	Employees' personal reasons.
9 replied:	Lack of help.
7 replied:	Over-production.
7 replied:	Improved machinery.
6 replied:	Changes of business.
5 replied:	Strikes.
15 replied:	Stating various other causes.

TABLE IV.

PLANTS WORKING FULL TIME AND PART TIME, 1909.

Full Time.

536	plants	worked	full time	12	months.
5	"	"	"	11½	"
27	"	"	"	11	"
2	"	"	"	10½	"
34	"	"	"	10	"
25	"	"	"	9	"
21	"	"	"	8	"
2	"	"	"	7½	"
11	"	"	"	7	"
1	plant	"	"	6½	"
20	plants	"	"	6	"
6	"	"	"	5	"
1	plant	"	"	4½	"
5	plants	"	"	4	"
11	"	"	"	3	"
2	"	"	"	2	"
1	"	"	"	1½	"
1	"	"	"	1	"
9	"	did not work any full time during the year.			

Part Time.

499	plants	had	no	part	time	during	the	year.
2	"	worked	"	"	½	month.		
29	"	"	"	"	1	"		
1	plant	"	"	"	1½	months.		
32	plants	"	"	"	2	"		
30	"	"	"	"	3	"		
1	plant	"	"	"	3½	"		
18	plants	"	"	"	4	"		
12	"	"	"	"	5	"		
1	plant	"	"	"	5½	"		
11	plants	"	"	"	6	"		
1	plant	"	"	"	6½	"		
4	plants	"	"	"	7	"		
3	"	"	"	"	8	"		
9	"	"	"	"	9	"		
2	"	"	"	"	10	"		
2	"	"	"	"	11	"		
8	"	"	"	"	12	"		

- 4 plants worked full time during the year with half force.
 1 plant worked full time during the year with half force for 4 months.
 1 plant worked full time during the year with one department on part time for 5 months.
 1 plant worked day and night during the year.

TABLE V.
 IDLE PLANTS IN 1909.

479 plants were not idle at any time during the year

36	"	"	idle	1 to	5 days.
66	"	"	"	6 "	10 "
32	"	"	"	11 "	15 "
13	"	"	"	16 "	20 "
4	"	"	"	21 "	25 "
16	"	"	"	26 "	30 "
3	"	"	"	31 "	35 "
8	"	"	"	36 "	40 "
2	"	"	"	41 "	45 "
5	"	"	"	46 "	50 "
4	"	"	"	51 "	55 "
8	"	"	"	56 "	60 "
2	"	"	"	61 "	65 "
1	plant	was	"	66 "	70 "
2	plants	were	"	71 "	75 "
2	"	"	"	81 "	85 "
4	"	"	"	86 "	90 "
1	plant	was	"	101 "	105 "
2	plants	were	"	116 "	120 "
1	plant	was	"	121 "	125 "
1	"	"	"	126 "	130 "
1	"	"	"	160	"
3	plants	were	"	175	"
1	plant	was	"	191	"
1	"	"	"	270	"
1	"	"	"	320	"

1 plant reported 1 department idle 39 days; 1 department idle 86 days; and 1 department idle 87 days.

- 1 plant worked full time 12 months with 1 department idle 180 days.
 1 plant worked full time 12 months with 1 department idle 120 days.
 1 plant worked full time 12 months with 1 department idle 18 days.

TABLE VI.

SHOWING THE SUPPLY OF LABOR IN CITIES AND TOWNS OF THE STATE, AND THE KINDS OF LABOR SCARCE OR OVER-SUPPLIED.

CITY OR TOWN.	Number replies.	Yes. } Always able to get help? No. }	WHAT LABOR SCARCE.								Number reporting scarcity.	WHAT LABOR OVERSUPPLIED.								Number reporting oversupply.			
			None.	Skilled.	Unskilled.	Certain trade.	Efficient.	Female.	Boys.	Girls.		All kinds.	None.	Skilled.	Unskilled.	Certain trade.	Inefficient.	Foreign.	Female.		Boys.	Girls.	All kinds.
Addison.	2	2																					
Akron.	2	1	1			1						1											
Albany.	12	4	8		5		2	3	1		1	12	2		5	2	1						8
Alexandria Bay.	1	1	1									1											1
Amsterdam.	8	5	3	1	3		1	1		1		5		3		1							5
Attica.	2	2		2		1						1	1		1								1
Auburn.	6	5	1	1	1				2			3		2									2
Baldwinsville.	1	1	1				1					1			1								1
Ballston Spa.	2	1	1		1			1				2			1	1							2
Batavia.	1	1	1		1							1			1								1
Bath.	1	1	1		1							1			1								1
Belmont.	1	1	1				1					1	1										
Binghamton.	8	6	2		4			3				7		3	3								6
Bliss.	1	1	1					1				1											
Brooklyn.	52	36	16	19	15	2	1	3	2	1	1	25	7		20	2	5	2			1		30
Buffalo.	51	27	24	4	12	7	4	5		2	1	32	9		16	1	3						20
Buchanan.	1	1																					
Caledonia.	1	1	1		1							1	1										
Canajoharie.	3	2	1					1	1		1	2	1		1								1
Canandaigua.	1	1	1									1				1							1
Canastota.	1	1	1									1	1										
Candor.	1	1	1						1			1	1										
Canistota.	2	1	1	1					1			1	1		1								1
Canton.	1	1	1						1			1											
Carthage.	3	2	1		1	1		1				3		1	1								2
Cazenovia.	2	2			1							1	1										
Chadwick.	1	1	1									1					1						1
Clayville.	1	1	1						1			1			1								1
Clinton.	1	1	1									1											
Cobleskill.	1	1	1					1				1				1							1
Cohoes.	9	7	2	1	2		1					3	1		2		1						3
Cold Spring.	1	1	1		1							1	1		1								1
Cooks Falls.	1	1	1					1				1	1										1
Cooperstown.	2	2										1			1								
Corning.	2	2		1								1			1								1
Cortland.	4	2	2		1			2				3	1		1	1							2
Crown Point.	1	1	1			1						1	1		1								2
Dansville.	1	1	1			1						1	1										
Depew.	1	1	1																				
Dexter.	1	1	1																				
Dolgeville.	2	2		1								2											
Dundee.	1	1	1		1							1			1								1
Dunkirk.	1	1	1		1							1				1							1
Edmeston.	1	1	1									1											
Elmira.	6	3	3		1	2			1	1		5	2		1				1				2
Essex county.	2	2																					
Fayetteville.	1	1	1		1							1	1										
Firthecliff.	1	1	1							1	1	2	1										
Fishkill.	1	1	1					1				1											
Fishkill Landing.	1	1	1		1							1			1								1
Fonda.	1	1	1		1							1			1								1
Fort Plain.	1	1	1						1			1			1								
Franklinville.	3	2	1			3						4	1	2									2
Fredonia.	1	1	1									1											
Fulton.	4	4		2								2											
Franklin.	1	1	1					1				1											
Genesee.	1	1	1			1						1	1										
Geneva.	4	1	3		2		1		1			4	1		3		1						4
Glen Cove.	1	1	1									1											
Glens Falls.	1	1	1			1						1											
Gloversville.	4	2	2		1	1			1			3	1		2								2
Goshen.	1	1	1		1							1											
Gouverneur.	2	2		1								1											
Gowanda.	1	1	1		1										1								1
Granville.	2	2			1							1											
Graphite.	1	1	1			1						1	1										
Greene county.	3	1	2			1	1					2		1	1								2
Greenwich.	1	1	1																				
Hale Eddy.	1	1	1												1								1
Hancock.	1	1	1		1							1			1								1
Hannibal.	1	1	1									1											
Harrisville.	1	1	1			1						1											
Herkimer.	1	1	1				1					1					1						1
Heuvelton.	1	1	1		1							1											
Highland Falls.	1	1	1									1											
Holland Patent.	1	1	1			1					1	2											
Homer.	1	1	1		1							1			1								1
Hoosick Falls.	2	2		1								1											
Hornell.	5	3	2		1	3		1				5	1		2			2					4
Horseheads.	1	1	1					1				1					1						1
Ilion.	4	2	2		1	3						3		1	3								4
Ithaca.	4	3	1			1						2			1			1					2
Jamestown.	7	4	3		2		1	2	2			7	2		3		1						4
Johnstown.	3	2	1						1			1	1										
Keiseville.	1	1	1		1							1											
Kingston.	1	1	1		1							1											
Lancaster.	1	1	1					1				1					1						1
Le Roy.	4	3	1					2				2	1				1						1
Lestershire.	1	1	1					1				1					1						1
Lima.	1	1	1					1				1					1						1
Little Falls.	2	1	1		1		1		1			1	2										
Lockport.	3	1	2		1							2			1								
Long Island.	11	8	3	1	1	2	4	1				8	2		1	2		1					4

TABLE VI — (Concluded).

CITY OR TOWN.	Number replies.	Yea. } Always able to get help? No.	WHAT LABOR SCARCE.								Number reporting scarcity	WHAT LABOR OVERSUPPLIED.								Number reporting oversupply.				
			None.	Skilled.	Unskilled.	Certain trade.	Efficient.	Female.	Boys.	Girls.		All kinds.	None.	Skilled.	Unskilled.	Certain trade.	Inefficient.	Foreign.	Female.		Boys.	Girls.	All kinds.	
Macedon.	1	1			1						1	1												
Madison county.	1	1																						
Malone.	1	1																						
Marcellus.	1		1		1						1	1												1
Maspeth.	1	1																						
Matteawan.	1	1									1													
McGraw.	1	1																						
Mechanicville.	3	1	2		1	1					1	2	1											
Medina.	1	1																						
Middletown.	2	1	1	1	1						1				1	1								2
Millbrook.	1	1																						
Minetta.	1		1								1													
Monroe.	2	2	1	1		1					1	2	1							1	1			2
Mount Morris.	2	1	1																					
Mount Vernon.	1	1	1		1	1					2	1			1									1
Mohawk.	1	1																						
Newark.	2		2								2	1												
Newburgh.	3	1	2		2		1				3	1	1											
New Paltz.	1	1									1	1	1											
New Rochelle.	1	1																						
New York.	176	125	51	29	45		13	18	5	5	90	31		40	15	10	5	3	1	2				76
New York Mills.	2	2	2								2	1												
Niagara Falls.	8	4	4	1	2	2			1	1	6	4		5	1									5
Norwich.	2	2		1	1						1													1
Norwood.	1	1																						
Nyack.	1	1																						
Oakfield.	1	1			1						1	1												
Ogdensburg.	3	1	2	1							1	1												
Olean.	2	1	1		1			1			2				2									2
Oriskany Falls.	1	1																						
Ossining.	1	1		1												1								1
Oswego.	3	2	1		1						2	2												
Owego.	1		1			1					1	1												
Palmyra.	1	1																						
Peekskill.	1	1																						
Penn Yan.	1	1																						
Perry.	2		2		1						3			2	1									3
Philmont.	1	1																						
Phoenecia.	1	1	1			1					1	1												
Phoenix.	3	2	1		2	2					4	2		1										1
Plattsburg.	2	1	1		1						1				1									1
Portchester.	2	2			1						2				2									2
Port Henry.	2	1	1			1					1													
Port Jefferson.	1	1					1																	
Port Jervis.	2	2	1	1							1	1	1											
Portville.	1	1	1		1						1													
Poughkeepsie.	5		5		2			1	1		4			2	1									3
Rensselaer.	2	1	1	1		1					1													1
Rhinebeck.	1	1																						
Rochester.	44	26	18	4	17		3	2		2	3	1	28	3	13	2	4	2						21
Rockland Lake.	1	1																						
Rome.	5	2	3	1			1	1	1		4	1					1	1		1				3
Rondout.	1	1		1																				
Roxbury.	1	1																						
Saint Regis Falls.	1	1																						
Saratoga Springs.	2		2		2						2				2									2
Sayville.	1	1						1			1				1									1
Schaghticoke.	1	1																						
Schenectady.	5	3	2		1	1	3				5	3		2										2
Seneca Falls.	1	1	1	1																				1
Shuster.	1	1	1				1				1	1												
Silver Creek.	3	1	2		2	1					3	1		2										2
Silver Springs.	1	1	1			1					1													
Skaneateles.	2	2	2		2						2			2										2
Sodus.	1	1					1				1	1												
Solvay.	1		1		1						2			1										1
Southampton.	1	1																						
Staten Island.	3	1	2		3						3	2		1										1
Sullivan county.	1	1									1			1										1
Sydney.	1	1																						
Syracuse.	24	14	10	3	7	2	6	1	1		17	2		10		2	5			1				18
Tarrytown.	1	1									1													
Troy.	10	5	5	1	4				1		6	4		2	1									3
Tonawanda.	7	4	3		1		2	2			6	3		1	1									2
Tupper Lake.	1	1									1													
Unadilla Valley.	1	1	1									1												
Union Springs.	1	1									1	1												
Utica.	11	5	6	2	7		1		1		9			9										10
Victory Mills.	1	1									1	1												
Wadhams.	2	2		2								2												
Walton.	1	1																						
Wanakana.	4	1	3	1	2			1			3	1		2		1								3
Wappingers Falls.	2	2		2								1												
Warwick.	2	2																						
Waterloo.	1		1								1													
Watertown.	1		1					1			1													1
Watervliet.	1	1									1													
Watkins.	1	1									1													1
Wayland.	1	1									1		1											
Wayne county.	2	2		1							1													
Webster.	2		2								2		1											
West Branch.	1	1																						
Whitesboro.	1	1	1				1				1													1
Williamson.	1	1																						
Worcester.	1	1		1																				1
Yonkers.	2	2						1			1	1												
Totals.																								

TABLE VII.

METHODS USED BY EMPLOYERS IN SECURING HELP.

Through employment agencies only.....	2
Through trade unions only.....	10
Advertising in newspapers only.....	14
By personal application at plant only.....	440
Through employment agencies and advertising in newspapers.....	1
Through employment agencies and by personal application at plant.....	6
Through trade unions and by personal application at plant.....	18
Advertising in newspapers, and by personal application at plant.....	223
Through employment agencies, advertising in newspapers, and by personal application at plant.....	45

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APPENDIX X.

TABULATION OF REPLIES RECEIVED IN RESPONSE TO INQUIRIES SENT TO TRADE UNIONS.

TABLE I.

PER CENT. OF MEMBERS OF TRADE UNIONS WHO WORK THE YEAR ROUND, AND THE AVERAGE TIME LOST BY MEMBERS.

TRADE.	Number of trade unions.	Per cent. of members working year round. (Averages.)	Average time lost by members.
Railroad and railway employees.....	44	92	3 weeks.
Metal workers.....	21	73.9	1½ months.
Painters, decorators and paperhangers.....	18	29.3	3½ months.
Glass workers.....	4	40.5	3½ months.
Butchers.....	4	91	2 months.
Engineers and firemen (stationary).....	9	96.6	6 days.
Plumbers, steam and gas fitters.....	10	70	2 months.
Clothing and textiles.....	18	38.6	3 months.
Letter carriers and post-office clerks.....	21	100	None.
Carpenters and joiners.....	31	60.5	2½ months.
Longshoremen.....	3	41.3	2½ months.
Teamsters and drivers.....	4	75.7	½ month.
Stone workers.....	3	36.6	3 months.
Printing and bookbinding.....	24	86.5	25 days.
Cement workers.....	4	47.5	3 months.
Boilermakers and blacksmiths.....	6	80	½ month.
Brewery workmen.....	8	97	½ month.
Bakers and confectioners.....	6	86	20 days.
Building employees (miscellaneous).....	8	24	3½ months.
Masons and bricklayers.....	17	16	5 months.
Woodworkers.....	5	65.4	1½ months.
Stage-hands.....	3	33.3	4 months.
Molders.....	5	57.4	1½ months.
Vehicle workers.....	4	100	5 days.
Tobacco workers.....	12	63.5	1½ months.
Machinists.....	6	93.3	10 days.
Barbers.....	10	97.3	4 days.
Pavers, rammermen, etc.....	3	.....	6 months.
Marine workers.....	7	43.5	4 months.
Electrical workers.....	2	87	None.
Millwrights.....	2	57.5	3½ months.
Hotel and restaurant employees.....	4	67.2	1½ months.
Musicians.....	4	25.7	4½ months.
Retail clerks.....	3	100	None.
Miscellaneous and unclassified.....	32	66.5	1½ months.
Total.....	365	66.6	1 month, 25 days.

TABLE II.

LENGTH OF BUSY AND SLACK SEASONS, BY TRADES AND NUMBER OF MONTHS NO WORK.

TRADE.	Number of unions.	Average number of months busy.	Average number of months slack.	Average number of months no work.
Railroad and railway employees.....	24	9	3	None.
Metal workers.....	13	7½	3½	1
Painters, decorators and paperhangers.....	17	6½	4	1½
Glass workers.....	4	8½	1½	2
Butchers.....	2	6	4½	1½
Plumbers, steam and gas fitters.....	7	7½	3	1½
Clothing and textiles.....	14	7½	3	1½
Carpenters and joiners.....	24	8	3	1
Longshoremen.....	1	6	6	None.
Teamsters and drivers.....	3	6	5	1
Stone workers.....	1	9	.....	3
Printing and bookbinding.....	10	8½	3½	None.
Cement workers.....	3	6	4	2
Boilermakers and blacksmiths.....	1	10	2	None.
Brewery workmen.....	4	6	6	None.
Building employees (miscellaneous).....	7	6½	3	2½
Masons and bricklayers.....	12	6	4	2
Woodworkers.....	2	5	4½	2½
Stage-hands.....	2	9	3	None.
Molders.....	1	7	5	None.
Vehicle workers.....	2	10	2	None.
Tobacco workers.....	5	7½	4	½
Barbers.....	3	8	4	None.
Pavers and rammermen, etc.....	3	6	.....	6
Marine workers.....	4	7	3	2
Electrical workers.....	1	8	4	None.
Millwrights.....	2	7	5	None.
Hotel and restaurant employees.....	1	6	3	3
Musicians.....	3	8	4	None.
Miscellaneous and unclassified.....	15	8	3½	½
Total.....	191	7½	3½	1

TABLE III.

POSSIBLE AND ACTUAL EARNINGS OF MEMBERS OF TRADE UNIONS.

TRADE.	Number of unions.	Average possible earnings.*	Average actual earnings.	Per cent. actual to possible earnings.	Per cent. lost.
Railroad and railway employees.....	28	\$1,134 78	\$1,027 32	90.5	9.5
Metal workers.....	16	1,019 18	842 87	82.7	17.3
Painters, decorators and paperhangers.....	12	945 33	688 75	72.8	27.2
Glass workers.....	2	1,500 00	1,260 00	84.0	16.0
Engineers and firemen (stationary).....	8	907 87	841 87	92.7	7.3
Plumbers, steam and gasfitters.....	9	1,155 11	915 00	79.2	20.8
Clothing and textiles.....	9	975 66	710 00	72.8	27.2
Carpenters and joiners.....	17	1,091 88	766 00	70.1	29.9
Longshoremen.....	3	825 00	544 66	66.0	34.0
Teamsters and drivers.....	3	1,177 33	853 33	72.4	27.6
Stone workers.....	2	1,100 00	775 00	70.4	29.6
Printing and bookbinding.....	11	983 45	882 27	89.7	10.3
Cement workers.....	2	1,337 00	970 00	72.5	27.5
Boilermakers and blacksmiths.....	5	1,022 00	978 40	95.7	4.3
Brewery workmen.....	3	788 66	689 66	87.4	12.6
Building employees (miscellaneous).....	3	800 00	550 00	68.7	31.3
Masons and bricklayers.....	15	1,228 60	651 66	53.5	46.5
Woodworkers.....	3	1,029 33	896 00	87.0	13.0
Stage-hands.....	1	720 00	432 00	60.0	40.0
Molders.....	3	878 00	752 66	85.3	14.7
Vehicle makers.....	4	776 25	776 25	100.0	.....
Tobacco workers.....	6	799 66	714 00	89.2	10.8
Barbers.....	6	641 50	641 50	100.0	.....
Pavers, rammersmen, etc.....	2	1,150 00	650 00	56.5	43.5
Marine workers.....	3	1,078 33	731 00	67.7	32.3
Electrical workers.....	2	1,112 50	868 00	78.0	22.0
Millwrights.....	1	1,269 00	650 00	51.2	48.8
Municipal employees.....	2	755 00	625 00	82.7	17.3
Hotel and restaurant employees.....	3	835 33	800 66	95.8	4.2
Musicians.....	2	858 00	588 50	68.5	31.5
Retail clerks.....	3	659 33	659 33	100.0	.....
Miscellaneous and unclassified.....	22	963 54	752 45	78.0	22.0
Total.....	211	\$1,012 14	\$801 13	79.1	20.9

* Earnings possible if a man worked full time the year round.

TABLE IV.

GREATEST AND LEAST NUMBER OF MEMBERS OF 186 TRADE UNIONS UNEMPLOYED IN 1909.

TRADE.	Number of unions.	Greatest.	Least.
Railroad and railway employee.....	28	450	195
Metal workers.....	15	1,363	450
Painters, decorators and paperhangers.....	11	807	75
Glass workers.....	1	40	10
Engineers and firemen (stationary).....	6	25	1
Plumbers, steam and gas fitters.....	6	1,016	344
Clothing and textiles.....	5	2,451	412
Carpenters and joiners.....	12	463	104
Longshoremen.....	2	400	50
Teamsters and drivers.....	1	35	20
Printing and bookbinding.....	17	234	88
Cement workers.....	2	636	15
Boilermakers and blacksmiths.....	3	170	15
Brewery workmen.....	7	42	13
Bakers and confectioners.....	11	674	144
Masons and bricklayers.....	13	468	97
Woodworkers.....	3	183	10
Stage-hands.....	1	23	.....
Molders.....	4	135	13
Vehicle makers.....	2	.....	.....
Tobacco workers.....	7	935	158
Machinists.....	4	9	3
Barbers.....	9	29	19
Pavers, rammersmen, etc.....	1	28	10
Marine workers.....	4	261	105
Electrical workers.....	2	31	13
Millwrights.....	1	50	.....
Miscellaneous and unclassified.....	8	176	81
Total.....	186	11,134	2,445

TABLE V.

CAUSES OF UNEMPLOYMENT.

To the question "What are the main causes of unemployment among your members?" —

- 143 replied: Lack of work.
- 37 replied: The weather.
- 19 replied: Improved methods and machinery.
- 16 replied: The seasons.
- 13 replied: Lack of material.
- 19 replied: Giving various other causes.

APPENDIX XI.

PUBLIC HEARING BEFORE THE COMMISSION ON EMPLOYERS' LIABILITY
AND CAUSES OF INDUSTRIAL ACCIDENTS, UNEMPLOYMENT AND LACK
OF FARM LABOR.215 WEST 23D STREET,
NEW YORK, January 7, 1910.

10 A. M.

Present: Senator J. MAYHEW WAINWRIGHT, *Chairman*.
 Hon. HENRY R. SEAGER, *Vice-Chairman*.
 Miss CRYSTAL EASTMAN, *Secretary*.
 Senator FRANK C. PLATT.
 Assemblyman ALFRED D. LOWE.
 Assemblyman EDWARD D. JACKSON.
 Assemblyman GEORGE A. VOSS.
 Assemblyman CYRUS W. PHILLIPS.
 Hon. GEORGE W. SMITH.
 Hon. JOHN MITCHELL.
 JOSEPH P. COTTON, JR., ESQ., *Counsel*.

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Chairman WAINWRIGHT.— I think we might proceed. The Commission will come to order. Mr. Voss, the chairman of the Committee on unemployment has a program here and it is with him to develop his program.

Assemblyman VOSS.— All of you who are here to-day have been notified to be present, and the program has been made out and your names are on the program, and I will call the names of the speakers in the order in which I have them on the program. I will call on Mrs. Florence Kelley first, and ask her to kindly address the Commission.

Mrs. FLORENCE KELLEY.

By Assemblyman VOSS:

Q. Please state whom you represent, whether you are a representative of any charitable organization, and what your connections have been with such organization from time to time, and how long you have been connected? A. I am Secretary of the National Con-

sumers' League and have been for ten years, and I have been a resident also for ten years of the Henry Street Settlement.

By Chairman WAINWRIGHT:

Q. What is the League? A. It is an educational and philanthropic institution, incorporated under the State of New York, for interesting the shopping public in the history of the sources of its supplies. It has offices in the Charities Building.

Q. Who are the officers? A. Mr. John Graham Brooks, of Cambridge, Mass., is president, and Mrs. Frederick Nathan, of New York city, is first vice-president; Mr. Robert Shaw Minturn is the chairman of the Finance Committee; Mr. Herman Kennicutt, treasurer, and I am the executive secretary.

Q. How large is the membership? A. It is about eight thousand. That is not my qualification. My qualification for speaking, is distinctive. I have lived for eighteen years among the unemployed.

Q. Will you kindly state what you think we ought to know as to your qualifications to address us on this subject? A. I am speaking this morning as a resident of the Henry Street Settlement. That is, a group of people who live among the poorest working people here in New York city, in the hope of improving their condition, chiefly industrial. Now, living eighteen years among the very poorest working people, I have had a great deal to do with unemployable and a wide acquaintance among them.

Q. Please speak a little louder. I doubt those at the back can hear what you say, and won't you take a seat? A. No; it is easier to speak here. I want to point out that we need here in New York city an institution for dealing with the young unemployable men, the youths whom we are producing by wholesale by our method of employing them in industries now, and have been producing by wholesale for the last ten years. I wish to urge the need for an institution for them somewhat similar to the Bedford Reformatory for Women, which I wish the Commission might visit.

Q. I am very familiar with it; it is in my district. A. It is the only case I have ever known, having an institution for women before having the need felt for men of a corresponding class.

Q. Is that different in principle from the Elmira Reformatory? A. Yes, yes, it is, in that so far as it is humanly possible, it gets the women ready for a country life. The Elmira Reformatory calculates that the young New Yorker that goes to Elmira is coming back to town, and he is taught very largely a city trade.

Q. Why don't you urge that this policy at Elmira be changed and be sent on the farms? That is one of our objects, how we can better the farm labor in this State? A. I have no quarrel with Elmira. I only want it supplemented by another.

Q. As, of course, incidentally, do you consider that related to the general subject of unemployment? A. Yes. It is the only great proposition that I see at this moment, that anybody can make about unemployment. We are producing unemployables by wholesale, and the least that we can do is to stop sending them to prison and teach them only things that send them back to the environment they were in before. We should furnish them with a new kind of employment, sending them out in the country.

Q. Isn't that only a very small part of the problem? A. It happens to be the part I know about.

Q. You desire to address yourself to that particular part of it? A. Yes, that is the part I happen to know about. I know about these young unemployables, because I have been watching them for eighteen years. What they do now is to send the boys fourteen years of age into the messenger service, and at sixteen years old they let them work on the night messenger service, and by the time they are sixteen years old, they learn nothing by which they can support themselves; they are too old for that service, and they are thrown out of it, and they largely recruit the body of tramps, a body of young people who do not keep any jobs. There are no tasks that fall on the settlement so discouraging. We try to get work for the multitudes of them; they don't want to work; they have become entirely disillusioned. The same thing is true of a great many young boys who have been in employments like driving sewing machines in tailor shops and doing physically exhausting work, and in the factories; they have seen the working people, and in their own expression, "there is nothing in it," and they have to be made over; they have to be physically set up, habituated to an entirely different kind of work than anything they have had before. The National Child Labor Committee is making a study, and I shall furnish the results of this to the Committee later, as soon as we get them printed, of the experience of those boys in the messenger service. There are about six thousand of them put off every year, employed by one single company here in this one single city in the State. The payroll of the Western Union covers 2,000 permanent, and in order to keep 2,000 on the payroll, they hire 6,000, and of those

6,000, the great majority, according to the statement of one of the officers of the company to me, do not stay in their employment more than three months. It is just a floating experience they have.

By Assemblyman Voss:

Q. What becomes of them? A. They are just drifters and floaters. You cannot get them to take any real work; after they have had them for a while, they are ruined by it.

By Chairman WAINWRIGHT:

Q. Have you any statistics of the number of prosecutions and convictions of those boys for petty offenses? A. No, we are getting that now. Personally, I know that the proportion of boys committed who have floated through this service, the proportion of floaters is very large among the boys committed, but we are getting the actual figures.

Q. Are those boys of an age to go before the Children's Court? A. They are over fourteen years; they cannot be in the service at all after they are 16.

Q. How large an institution would we have to have to cope with the problem? A. I think the proposition of the Grattan Bill for a farm colony that proposed a thousand acres would be a fair beginning.

Q. Is that the bill introduced — the Grattan Bill? A. Yes. There was another bill introduced by Mr. Murphy.

Q. How much does the appropriation call for? A. I don't want to appear to suggest that I want a farm colony exclusively for messenger boys. I use that one industry because I know about it as an illustration of the way we are producing candidates for reformatory treatment afterward. At the present time, there is a large number of boys who have given up on the lower east side of New York, who are now at Elmira, and others who are in the Catholic Protectorate, and others who are on the Island, all of them under lock and key, and all of them being treated as criminals, and all of them being trained to come back to the environment from which they went, under conditions that are not going to make them really self-supporting for the future. We are going to have to deal with them; they are going to be graduated into other institutions.

Q. How many inmates are there in those institutions now? A. I can furnish you figures from their reports; they go by thousands. There are about four hundred boys over sixteen years in the Catholic Protectorate alone, under lock and key.

By Miss EASTMAN:

Q. Is the plan of this farm colony that it shall take only young offenders? A. Yes, first offenders.

Q. It doesn't deal at all with the problem of the old tramp — does not plan to deal with it? A. That is my understanding; it deals solely with youthful vagrants.

By Chairman WAINWRIGHT:

Q. Have you any observations to make on the general subject of unemployment? What ought we do — that is what we want to find out — what course ought this Commission to pursue to cope with the general problem? A. I think the only constructive thing this Commission could hope to accomplish this winter would be a bill similar to the Grattan Bill for the treatment of the young unemployable. I don't think we have a problem the same as in Germany and England.

Q. You think the problem of unemployment is a serious one in this State to-day, that there are many thousands of unemployed who are unemployed because there is lack of employment for them? A. I think there are permanently in New York city, more people of the unskilled class than there is work for. I have never known a time when people who are skilled workmen could not find work. I think that is confined to the unskilled class.

Q. Do you think there is plenty of work for skilled employment? A. Yes.

Q. Our situation is this: A committee of some sort appeared before the Legislature last year, and asked for the appointment of a Commission to take up the subject of unemployment. There were suggestions for the Employers' Liability Commission, and the Unemployment Commission to combine in one bill, and the whole task has been thrown on this Commission. Here are we, people who knew very little about this problem, except in a vague way, the problem is always not only with us, but with everybody over the country, and has been so to a certain extent from the beginning of time, and it seems to us that those who prompted and secured the appointment of this Commission, in place of saying, as we understand some of them said, "We appointed this Commission to investigate the subject, and they have failed to cope with and solve this problem," that those very people who

defined the problem and induced the appointment of this Commission should make some real helpful suggestions within the general scope of the inquiry, and tell us how we are to get at the causes of unemployment and the remedy. It seems to me it is fair for us to assume — I am not saying this only for you, but others here present — that those who got this Commission appointed, should have some program for the Commission. A. I was not one of them. I am a new recruit; but I do believe that we have permanently in the city of New York, an unemployed problem, due to our production of young unemployables.

By Assemblyman VOSS:

Q. Have you given any thought as to its solution? A. I think the simplest thing to do would be to shut the boys out of injurious trades, and we are working at that all the time, but this Commission cannot undertake that, as far as I can see; it would not be within its scope to restrict the employment of young people; but they certainly could recommend a method of treating them after the harm has been done.

By Miss EASTMAN:

Q. Do you mean to say that unemployment in trade conditions in America is confined to the unskilled? A. Not at all. I was speaking of New York city at this moment. At this moment there is a demand for skilled workers.

Q. Do you think that in years of ordinary prosperity, all skilled men all the year around can get employment? A. Not in the seasonal trades.

Q. You don't mean to say there is not a problem in seasonal trades? A. That is not anything I am prepared to make any constructive suggestion on. I am saying that at this moment in the city of New York, there is a demand for skilled labor, but I have never known a time when there was not unemployed unskilled men.

By Commissioner MITCHELL:

Q. What do you think is the effect of immigration — have you given thought to it? A. It would be a pure guess to say that the great body of unskilled laborers are the immigrants. They appear to be a problem.

By Chairman WAINWRIGHT:

Q. Isn't that very largely, or is it, to a certain extent, a problem of distribution? In other words, we may have a lack of employment for them here, and yet there may be other parts of the country where they are crying for them?

By Miss EASTMAN:

Q. Do you favor a labor exchange if discreetly managed?

Chairman WAINWRIGHT:

Q. There was one for ten years. It was discontinued on a report made by the Committee of the Charity Organization Society, or some kindred bodies — Was not a very exhaustive report made on the whole subject by Dr. Devine and others, recommending that the Act be repealed, and the institution abolished? A. Yes.

Chairman WAINWRIGHT.— I wish we could get somebody who could give us a history of that proposition, how it came to be established and discontinued, and why those people gave the Legislature that advice.

Assemblyman VOSS.— I can tell you something about that. The reason that Bureau was discontinued, and the principal reason was, it only carried an appropriation of \$5,000; it was not a workable bureau; the Commissioner of Labor advocated the abolition of this Bureau for the reason the appropriation was entirely inadequate and he could not cope with the situation. That is the reason the Bureau was abolished.

Mrs. KELLEY.— I had something to do with the abolition of that. That Bureau was carried on under Commissioner John McMachin; it was carried on so badly and was so hopelessly discredited, that until the deck was cleared of the wreckage, no efficient bureau could be started. The fact that McMachin made a hopeless muddle of it, is no reason why it could not be carried on.

Chairman WAINWRIGHT.— My recollection is that they went deeper into the subject, and practically recommended that that institution was fundamentally wrong — fundamentally ineffective.

Mrs. KELLY.— Of course if they did that, they flowed into the face of the whole experience of Europe. It was just badly managed by an incompetent person.

Chairman WAINWRIGHT.— Has your committee got that report?

Assemblyman Voss.— I have got that report.

By Miss EASTMAN:

Q. What States are there that have got labor exchanges now? A. Massachusetts, Ohio, and Illinois, all I know about.

By Assemblyman Voss:

Q. Wisconsin, also? A. Yes.

Q. Anything further you wish to say, Mrs. Kelly? A. No.

Assemblyman Voss.— I call on Assemblyman Bates as the next speaker. I would like to say, you happen to be responsible for the investigation of the subject of the unemployed, and I am sure you can enlighten us.

Chairman WAINWRIGHT.— Now, you are just the man we are after.

LINDON BATES, JR.

Mr. BATES.— Mr. Chairman, my qualifications are: I am an engineer by profession and employ men, have been engaged on very large works including the raising of the grade at Galveston, Texas, and the Barge Canal. The firm I have been connected with is engaged in works throughout the world, in England, Belgium, Russia, Australia, and various other places.

To get down to this particular subject about the fact of unemployment, I believe anybody who has been in politics in New York, and had an average of about ten men a day at times, come up looking for work, and simply going to their assemblyman or alderman because he is the outward and visible sign of officialdom, where you see apparently about half of those men are clean, decent, hard-working people that simply cannot get work, you could get a pretty good idea of the fact that very certainly unemployment does exist, and when you have seen those men in the course of a year or two years go down into the lower ken you cannot help feeling a certain amount of sympathy and a desire that some of the brains and some of the intelligence of the body politic be put into this problem. You see, concomitantly with that, the fact that in this very State there are a very large number of deserted farms, you find even in a place as close as Staten Island, it is impossible to get labor for such small tasks as market gardening or cutting hay, so that there is *prima facie* evidence of a faulty distribution of labor. Considering the fact that a very large proportion of the immigration here consists of peasant laborers from Italy, from Hungary, and from Austria, and to a certain extent the Russian immigrant is a peasant; the fact that there is not adequate farm labor would not seem to be due to the fact there is not an adequate supply of farm laborers, if they could be gotten to the place where their work will be of service. With this condition before us, there are two alternatives: One of them is the old doctrine *laissez faire* — let the supply and demand take care of it; let the people that cannot get work make their little struggle unaided by anybody outside, except possibly some stray charitable institution, and if they fail to make connection (the peasant that has just landed here in New York, with the farmer upstate, and the railway journey between, going off into what to him is the unknown) let him get trampled down into the mire. The other alternative is to undertake to do something for them. There are two ways only that I can see of doing something for them; one of them is to create work. Now, whether the State is prepared to create work at this time, I am in doubt.

By Chairman WAINWRIGHT:

Q. Isn't the State doing a pretty good deal of work at the present time? A. To create work for the particular object of making work is usually believed to be contrary to the rules of sound political economy, and various historical occasions of doing it have seemed to lead into rather dangerous situations. It seems to me, however, that along that line, this might be done: That is, that the great public works which do give employment directly and indirectly to a very large number, might be made in a systematic and intelligent way — for instance, upon the Barge Canal where I was engaged, a very large number of contracts were let out at a period when we were at the floodtide of good times. I remember going personally to Buffalo trying to get some sailor men to run a dredge, and finding the greatest difficulty in getting labor. I remember going to Syracuse, and trying to get some carpenters, and they were building a new White City, and wages were up to \$8 and \$10 a day. At that time, all those contracts were let by the State. Then, when the hard times came, the State shut up like a clam and did not let any contracts, and the work was only the work that was in progress that was carried on, and all the State activities were shut down.

Q. Is that so. Do you mean to say the progress of work upon the State Canal, and the progress of the work of the construction of the State highways was affected and stopped, or impeded by the depression of 1907. Why should that be so? A. The work that was in progress was of course kept up; it was already let under contract, but there were very few new contracts made.

Q. You mean less contracts than in the previous years? A. Yes, exactly.

Q. Can you illustrate that by any figures, or really show that that was the fact, that the State shut down or stopped work to a certain effect, during those times? A. I am afraid I am not a card index on the figures of the thing.

Q. The easiest thing in the world is to take the bulletins of the Canal Department every month and by an examination of them, that would illustrate your point? Have you examined them to see if you could sustain your statement by the record? A. I have not examined the record. I have lived into the thing; I have watched those contracts as they came up one after the other, all of them.

Q. Do you mean to state the canal work which began in 1904, along there, or in 1906, we will say, that there were very much fewer contracts both in number and amount let on the State Canal in 1907. A. The hard times came in 1907.

Q. Take any period which will make a contrast. A. Exactly.

Q. I wish you would look that up yourself, the exact figures, and illustrate your point right from the record, and communicate with us in writing on that subject, and also whether you find the same thing exists with regard to the State highways, whether the State Engineer shut down on his contracts at that time? A. I will try to find out as regards the actual detail, but that was my experience.

Q. We want the fact which is ascertainable. A. If a certain amount of that work that is necessary and is contemplated by the State, is reserved, as it were, for hard times, when it is most certainly to the interest of the State to do it, because in periods of hard times, the price of labor and material is depressed; and furthermore, the private contract work is usually let down or decreased, so that a large number of contractors are very desirous of work, and will consequently take a far lower price than they would in a period of prosperity. That, it seems to me, is as far as one can really recommend going in the creation of work; that is, that it be systematized in such way that the State work is done at a time of these descending waves of hard times.

Q. I would like to work out the details of that proposition. When hard times come, they sometimes come suddenly, unexpectedly and very quickly. You want to apply the remedy at once. You take your plan and apply it to the depression of 1907 and 1908. That came very suddenly, like a bolt out of a clear sky, and has lasted a comparatively short time. Assuming that the greatest distress was along in the early winter of 1908 and spring, do you think that the State could have opened up a whole lot of highway and canal work, so as to have in time with all the restrictions there are about the advertisement and the development of the plans for the particular sections of the work that have to be made, and all that sort of thing, in time to have really been effective — in other words, so that it would have come into operation and furnished relief before the good times came again? A. If such a project as that were adopted, as a State policy, there might very readily be kept in reserve — certain projects that could be put into effect with a fair degree of rapidity. You could not at once do it; that is, you would have to make preparation several years in advance. But to take an obvious matter — it is outside of New York city, but we will take the Hackensack meadows out here. I looked into the cost of filling them with material from New York Harbor. Now, there is a great engineering work of profit, but it is a remote profit, and a private individual or corporation would be unlikely to undertake it. Nevertheless, if something of that nature were done by the Government, it would be profitable in itself and it would create immense values. Of course, over there in the Hackensack meadows, between Newark and New York, where all the railroads come in, it is an ideal site, and in the long run, it would be valuable.

By Assemblyman Voss:

Q. The State would benefit? A. That is in New Jersey; the State in the long run would benefit. In a matter like the Barge Canal, which you are driving to completion rapidly, there might be a certain amount of difficulty in holding back any sections until there was a depression in labor and material, so that the particular feature that you would have to utilize would be probably, not something of immediate return. The question of the terminals for the Barge Canal, that might be conceivably utilized in some such method as this, having determined just where you wanted to put them. Perhaps you would want them over here at Staten Island, as the Staten Island Chamber of Commerce recommended; perhaps in Jamaica Bay. There is an opportunity for a great

and useful work that should be done, if possible, in times of depression. I am not developing this thing in detail because it cannot be so developed. It is simply a matter of making that a State policy.

Q. Who, would you say, would direct that policy? Where would you lodge the power to do that? With the Legislature or with the Governor, or with some special council or with the Department of Public Works? A. I rather consider the Legislature is the fountain of wisdom for this State. It might authorize any particular project to be held in reserve until a period of hard times.

The second great method, aside from creating work, is that of securing an adequate distribution of work. To secure an adequate distribution of work, is to get the man without a job to the job, and is simply a matter of one sort or other of labor exchange. The labor exchange is simple in principle. What it requires is simply a headquarters or agency in the center of labor, with various other centers in the places to which labor might go, such as the farm labor and between the various industrial centers.

Commissioner WAINWRIGHT:

Mr. Mitchell, has not the Department of Labor in Washington done something of that sort?

Commissioner MITCHELL:

It is limited entirely. The government bureau limits its operations to the distribution of domestics and applications from laborers, and only when the application is made by the laborer. They cannot go and lock up laborers and find them a job. It is not employment bureau; it is simply an information and distribution bureau, and only works when the immigrant makes application.

By Commissioner WAINWRIGHT:

Q. Are you familiar with the one that has been established here in New York city? A. I know in general the Agricultural Department has some sort of bureau. I am not familiar with the details of it.

Q. Were you suggesting that might be handled as a State proposition? A. State proposition?

Q. Is not the question of distribution of labor really something you cannot govern entirely by State means? Isn't it a very wide, broad problem? A. I am rather inclined to believe you can govern it to a fairly adequate extent within State lines. For instance, abroad, each individual country there has some such arrangement — Belgium, for instance, where it is simply within the small lines of the country. In Germany, if a carpenter is out of work in Manheim, for instance, he can go to the government agency there and there is a great big table up on the wall, telling him whether they need carpenters at Cologne, Strasbourg, or anywhere else, and as one of our States is about as large as one of the countries in Europe, it is not at all improbable that it could be applied.

By Commissioner MITCHELL:

Q. Would it not be a practical objection to the establishment of a State Labor Exchange that it would induce a larger number of laborers to come to this country than would secure employment through the Exchange? Do you not believe, or do you not think a very large number of the unskilled laborers are induced in various ways to seek homes in this country, and the establishment of an exchange particularly in the City of New York, would be used to further induce the unskilled laborers of Southern Europe to seek employment here? A. I think you are very much in the right. There are two main reasons why immigrants come to this country. One of them is because of the higher level of prosperity that exists here, which is a real tangible reason; the second is, because the steamship companies and various other people that profit by their passage, induce them to come over by agencies and such statements as this would be of the advantages of the country.

By Assemblyman Voss:

Q. Have you looked into the control of public works, as it exists in New Zealand at the present time? As I understand it, in New Zealand, the Government there controls the public work, and it does not let out any contracts for public work, but the work is done by people at large who, when they seek employment, apply direct to the Government and are employed in various capacities upon the public works. Isn't that what you had in mind when you spoke of the Barge Canal and the public works of this State? A. No. I had not in mind making the Government the employer. I am rather opposed to that in principle. I had the idea of so manipulating the times of entering upon large Government work, that,

if possible, to do the large Government works at periods of depression rather than at periods of expansion, believing that that will be of advantage to the laborers, because at a time when they are thrown out of private work, this Government work will exist, and equalize the matter and be likewise an advantage to the Government, because the price of labor and materials are depressed, and they can get work done more cheaply.

Q. Would you think if the Government controlled public works, it might solve this question? A. I don't believe in the Government as an employer. I would reduce that to the minimum.

Q. You don't think that would help the situation any? A. I do not.

By Miss EASTMAN:

Q. Do you suggest this manipulation of Government work in times of depression — you mean years of financial depression that come every once in a while? A. Yes.

Q. Do you think there could be any possible manipulation of public works within each year — do you think the plan could be developed to that extent? A. I doubt it, because Government works are very largely in this State — like the Barge Canal — that would have to be done at a certain season of the year.

Q. You would not suggest any other kind of public work? A. I can not think of any at the present time.

By Assemblyman VOSS:

Q. The proposition has been advanced by some people, that it may be a wise move on the part of the State Government to control the present abandoned farms throughout the State, and send people to these farms, and work these farms. Have you given any thought to that. I just want your opinion? A. I have given a certain amount of thought to all of these projects, and have studied the matter very deeply. I have got a satchel full of evidence which I herewith present to the Commission.

Chairman WAINWRIGHT.— Now is the time.

Mr. BATES.— It consists of a large number of books that have been written, some of them are German, some are French, Dutch and so forth, on the problem of unemployment.

By Chairman WAINWRIGHT:

Q. Do you want to tell us what is in them? A. The suggestion I simply have to make was this, if I had been capable of solving this problem to my satisfaction, I would not have put in a bill for the Commission; I would have put in a bill for the remedy.

Q. You would have done it yourself? A. Exactly.

Q. You are one of us. If you can't do it, I don't know how you can expect us to. A. As far as I had a constructive suggestion, it is this: since these are the only two conceivable alternatives, it might be recommended first, that the State undertake as a definite policy to hold some big public work of public utility in reserve as against hard times; and, second, that this Commission frame as good a bill as is physically possible, for labor exchanges, digging out of the various data and testimony that has been furnished to them, precedents for such acts and sections as they put into this bill, and that they work in full collaboration with the Commissioner of Immigration, because the question of distributing the immigrant is a large portion of the question of unemployment, and they have undertaken, I believe, something of this nature of labor exchange. It is fundamentally just that if there is to be a labor exchange, it shall be not only for the immigrants, but the native born.

Q. Do you mean to say that one of the great elements of this problem is the number of people that are dumped into this country through the Barge Office, and land in New York, cannot get work? A. Yes, of course.

Q. Can not that be shown any more than just the mere statement of the fact? Are there any figures to show for given years, the immigration?

Commissioner MITCHELL:

It shows for the State of New York. They have to state where they are to go to.

Chairman WAINWRIGHT:

What proportion of them after landing, are idle? My point is this, it seems to me to really illustrate that problem, you would have to have something to show in proportion to the number that come in, the number of those who come in during every year who had for a certain number of months remained idle.

Mr. BATES:

That is in the report of the State Commissioner on Immigration, which reported last year. It is also in the reports of the Federal Commission. Mr. Mitchell, I believe, knows all about that. My idea of the whole matter is this: You had about two-thirds, I should say, of this Commission's work has been done for it by the Commission on Immigration, because they have dealt with the great foreign question. If one can take their bill and whatever advantages there are, and modify it to suit the native as well as the immigrant population—if the Farm Colony Bill is advisable, to your committee, stick that on, too—stick them together, if you can put something in that will stand the test, there is a project it seems to me, by which something definite and tangible can be proposed for the consideration of the Legislature, and which can be tested by the recorded precedents of other countries, and this country.

By Assemblyman Voss:

Q. What do you think about the Farm Colony Bill? A. I have hardly studied it enough to give a dogmatic opinion, but it seems to me to be a glorified workhouse, but as the workhouse has been a matter of State policy, it is not at all improbable that this is desirable.

By Chairman WAINWRIGHT:

Q. You are very much interested in this problem? A. Certainly.

Q. And you admit the responsibility for the creation of this part of the Commission's work, and I suppose you are willing to give a great deal of time to this, yourself? A. I have given a great deal of time, but I think Governor Hughes is really the responsible party.

Q. You are always very modest, of course, and it is quite the fashion for everybody to attribute everything to our respected Governor. Can the Commission count upon your active co-operation in this matter, so that in any later inquiry which we have to make, we can enlist your services? A. Why, certainly.

Q. In other words, you are willing to spend real time on this thing. A. Certainly.

Q. If you will take some of these arguments you have got in your books, and digest them in some way, and give us the salient features you think we ought to have as a basis for our inquiry, namely, the extent and the magnitude of the problem, contrasting the number employed in the different trades in one year, with these unemployed in another year, the real statistical information we ought to have, and see that we get it, we will appreciate it very much. A. I understand this Commission has legal officers, secretaries, typewriters, and all sorts of aids, to work out this particular problem.

Q. A very small appropriation. A. Whenever I undertake to draw a bill, I have about ten Philadelphia lawyers come and jump on me, and say I should stick to my last, not that I am very modest about drawing bills and presenting this sort of thing. If there is any specific thing I can look up, I shall be very glad to, but this matter really comes down not to a matter of fundamentals, but to the details of framing some particular bill and trying it on.

By Commissioner MITCHELL:

Q. Have you the laws of the European countries on labor exchange? A. Certainly. I have everything here.

Q. As I understand, the meeting to-day was not for the purpose of taking evidence so much as for experts telling us what we ought to do, what course this investigation should take, what channels we should explore in order to determine exactly what the remedy was, and we have not yet had very much along these lines. A. All the data regarding unemployment is so very easy of access — there is such an immense abundance of it — that is not the problem at all; you can be simply smothered in information regarding the volume of unemployment. People can not get jobs; there is no use talking; the thing is to arrive at a remedy; that is to formulate a bill. That, it seems to me, is the task of the Commission. Now, you have got your bill two-thirds formulated by the Immigrant Commission, insofar as it concerns the labor exchange. It is simply a matter, it seems to me, of drafting a good lawyer-like intelligent bill that will cope with an absolutely well-known situation.

By Assemblyman Voss:

Q. You have got a lot of facts and data in your bag, suppose you and I get together and see what is there and I will submit it to the Commission. A. Why, certainly.

Assemblyman Voss:

I will call Mr. Frank J. Warne.

FRANK J. WARNE.

By Assemblyman Voss:

Q. Will you please state, for the benefit of the Commission, whom you represent, and your qualifications to appear before this Commission, and give testimony? A. Officially, I represent no one; I happen to be secretary of the Immigration Commission.

Q. State or National? A. State, I happen to be chairman of the Labor and Industry Committee of the Association of Neighborhood Workers which organized a sub-committee on unemployment, of which I happen to be secretary. I made an investigation in 1907 and 1908 of the more important charitable organizations in New York city on unemployment, and am connected with the New York University.

By Chairman WAINWRIGHT:

Q. In what capacity? A. One of the teachers — lecturers.

Q. In what department? A. School of Commerce in Washington Square.

Q. You are one of those that asked for this Commission? A. I am one of the villains, and while I sympathize with the Commission, I am at the same time glad of it, because there is undoubtedly no question at all but that the first subject toward the solution of any problem is to get the facts. The first thing I should like to know, inasmuch as this is a tremendous problem and I could stay here for months, and talk about it, is as to the interpretation the Commission itself has put on its bill. In looking over the bill, it was passed under certain conditions, that while we recognize that there are defects on it, we could not remedy it; in other words, by the title of the bill you are to investigate the causes and effects of unemployment. The body of the bill says you are to investigate the causes of unemployment, and suggest a remedy.

Q. The body of the bill — A. Yes; the title of your Commission has been the causes.

Q. The body of the bill would absolutely govern? A. Then you are to concern yourselves only with the causes.

Q. Don't let us be too technical. A. I only want to know, so as, to know what to talk about.

Q. You start in and tell us just what you think we ought to do with regard to this general proposition. You know just as well what that bill means, and what the problem is, a great deal better than we do. A. I know what is intended.

Q. You go ahead on the basis of what you think it means.

Assemblyman Voss.— You better tell us what it means.

Mr. WARNE.— The design of the Committee was to have the causes, effects, and remedies for unemployment officially investigated. Another thing I would like to know, is as to just what the Commission itself has done, if it has done anything, as to narrowing its investigation. I assume, for instance, it is not possible for this Commission to take in the whole subject of unemployment; in fact, I would say it is absolutely impossible.

By Assemblyman Voss:

Q. Why? A. Because it is too big. In the first place, you haven't the appropriation, and in the second place, you haven't time.

By Chairman WAINWRIGHT:

Q. I think in place of attempting to predicate your statement on what the Commission has done, it would be very much better for you to go ahead and give us your own suggestions in regard to the matter. A. I will do that.

Q. You may assume the Commission does not know much about this problem as yet; we expect you to furnish us with some light on this subject, you, as one of the experts in the problem and as one of those that ought to know a great deal about it. We know very little.

Assemblyman Voss.— What is more, it is our purpose and our idea to cover the entire subject. We will be glad to have you tell us all you know about the entire subject of unemployment.

Mr. WARNE.— I should begin by saying this, that you are tackling a subject which has baffled the most astute statesmanship of modern Europe. You are tackling a subject that is a conspicuous cause of this great social problem of poverty; in other words, this Commission has undertaken to attempt to solve one phase of the great problem which the Twentieth Century has set itself to do.

By Chairman WAINWRIGHT:

Q. We have not undertaken it; it has been fired at us. Q. Very well; we will assume that.

Q. You are one of those that pulled the trigger? A. Well, if I am possibly able to bear what responsibility there is attached to that—in the first place, my part in the establishment of this Commission was that we saw here in 1907, a great problem—we saw everybody who pretended, and who by right should pretend to know about this problem, knew nothing about it. We started out attempting to find facts. We found there were no facts that could be relied on here. The State Bureau of Labor, for instance, is supposed to present statistics on unemployment. I am not criticising the Bureau of Labor because it is doing the best it can, but those statistics of unemployment are absolutely useless and worthless. In the first place, they don't show at any time, under any condition, the condition of unemployment.

Q. What do they purport to show? A. They purport to show this: They take a selected group of labor organizations that are presumed to be representative of organized labor in New York State; then those unions make to them quarterly reports as to the amount of the unemployment in those unions. In one sense of the word, the statistics that are valuable in that, as far as these few unions are concerned, there is a relative relation as to the increase and decrease of unemployment, because it does not take into mind, the tremendous body of unskilled labor which is the cause of unemployment. In the second place, we have no certainty of knowing that the men that those unions report as out of employment, are out of employment. We know, for instance, quite a number of members of organized labor are out of work in their own particular trade, and report so, that they are at work at something else. I know of a carpenter, that when he is out of work in the winter, becomes an engineer, and there are lots of instances where men reported as out of employment, and the Department of Labor statistics are not reliable.

What is unemployment? I take it that your problem is not at all with men who are out of work and yet able to take care of themselves. We can go along up Fifth Avenue and find a large number of men and women unemployed, that is an habitual disease with them; that is not your problem. So it is with the great mass of organized labor; they are out of work at times, which presents no particular problem, as a rule; they are able to take care of themselves through benefits and various ways. You have not anything to do, I should say, with the great problem of vagrancy; it is not unemployed problem, but unemployable problem; it seems to me if you analyze just exactly what your problem is, you would get down to a comparatively small number of people really out of work. As long as a man is out of work, unemployed, as long as he is able to take care of himself, it seems to me it is not a problem for anybody. Take the men of seasonal occupations; it is very much a matter of doubt in my mind, whether a seasonal occupation is a problem of unemployment. I am inclined to think it is more a wage problem. For instance, if a man is out of work three months of the year, if he is able to take care of himself, if he has earned during nine months, enough money to take care of himself during three months, it is no more of a problem of unemployment than if a man is idle one day out of seven. I would say, as a general statement, this great problem of building trades, a seasonal occupation, is not a problem of unemployment at all. There may be certain numbers of men engaged in those trades that fall into the unemployed class, but as a rule, they all get sufficiently high wages to take care of themselves the rest of the year.

Just where the Commission would define the word "unemployed" I don't know; you can make it large or small. When it comes to the question of men who are out of work and women who are out of work, applying to the Municipal Lodging Houses, it is an indication that they have exhausted all their resources, all their savings—you have a problem that verges very near the problem of poverty. For instance, the last three years, take the reports of all your charitable societies of New York State, all your insane asylums, penitentiaries, all your hospitals, you have there a problem of unemployment, but at the same time, it is a problem also of those other social diseases. The State Penitentiary Board made a report on this question, as to the large number of men being sent to the penitentiaries and jails because they are out of work; they said it was not just and fair. You had in 1907 and 1908 where over on Blackwell's Island, they were turning men away before their term expired, because they were out of work; they were sent there on a charge of vagrancy.

A good many people approaching the problem of unemployment say you cannot do anything, whether you do anything intelligently or not; but anyway, you are doing something, you are taking care of unemployed men in your insane asylums, and almshouses, hospitals and penitentiaries. We may not be doing it intelligently, but we are there, solving in an unintelligible way the problem of unemployment.

Q. We are not solving it. We are taking care of a few of them. A. I say you are not taking care of them.

Q. You mean furnishing them employment? A. And using the word "you" in a general relative sense, including all society, we are not making a solution, but making

matters worse. Putting a man in the workhouse, it stands with him the rest of his life. A man goes to the Municipal Lodging House three times, and if he comes back the fourth time, he is very likely to be taken before a magistrate, and the magistrate is very likely to send him to the workhouse, on a charge of vagrancy. You can go through all of this horrible social condition, from the time the man has exhausted all of his savings, and to the time he gets to be a criminal, and it seems to me you would have to mark out just where this problem stops. My idea is to find out, as far as possible, the definite, concrete facts as regards the effect of unemployment, then find out as much as possible about the definite, concrete causes of unemployment. My own idea is that there is no cure-all; Mr. Bates' recommendation that you distribute labor is only an insignificant small part of the problem of unemployment.

Q. You seem to avoid what seems to me the basic proposition as to the extent of unemployment? A. That is not possible to measure. As I say, the only measurement we have are statistics of the State Department of Labor. I should say you cannot at present use it as any instrument to measure the amount of unemployment.

Q. You say you have not any figures to-day; they are only merely suggestions? A. Merely suggestions.

By Miss EASTMAN:

Q. Isn't it equally true there is no definite measure of causes and effects of unemployment, that we cannot get final information? A. We have no measurement, but we know pretty clearly what are the causes of unemployment, and know pretty clearly what are the effects. We do know there are twenty or twenty-five definite, distinct causes of unemployment, all operating at the same time.

By Chairman WAINWRIGHT:

Q. What I meant to ask you was, if there are no figures available, somebody ought to be able to suggest to us how we can get at the facts and figures. A. You cannot get figures and measurements. For instance, in 1907 the State Department of Labor estimated in its report the total number out of work, of two hundred thousand. That don't take into consideration at all all the unskilled classes, probably twice as many, I should say, simply from observation; if there were two hundred thousand skilled members of organized labor out of work, there was twice that many unorganized men out of work, because they are the men that get unemployed first. Take the question of immigration — when a period of depression starts in, the immigrant starts going back to Europe.

Q. You were coming to things we ought to do. A. Some of the definite distinctions of unemployment, we have two kinds as a rule: what we call periodic unemployment, that comes every eight or ten years as the result of financial crises. That is a cause of unemployment separate and distinct, which has to have a separate and distinct remedy; that is to say, the unemployment which we had in 1898 and 1899 could not in any way be remedied by an invention or scheme which would affect unemployment in 1903 or 1904. Periodic unemployment, it seems to me, coming as it does every ten years, and we can usually see it is coming — it seems to me that the panic of 1907 was coming for the whole year, we had indications of it —

Q. How could anybody have foreseen that panic or be prepared for it? A. Industrial conditions all over the country predicted it — at least, that is my humble opinion; students who are close observers of economic conditions.

Q. Who is going to be weather prophet on that? A. I have a suggestion later on. Of course you have got to get men acquainted with conditions who can read them and discern them.

Q. If men were able to do that, we know certainly the men that could do it would be pretty rich men. A. No; I don't think that. He would not take any money for his services; he would be a social service man.

Q. His service would be so valuable he would be won from social service. A. My only suggestion as to a remedy for periodic unemployment is a suggestion somewhat like Mr. Bates has made. It seems to me it is possible — I differ from Mr. Bates in this respect, that there ought not to be work created merely to give men employment, but that the work that he stated to come out year in and year out is sufficient, if properly controlled and regulated, to adjust these periodic periods of unemployment. It is possible on these great State contracts and great buildings, through the proper officials and through the Legislature when it makes appropriations, to indicate or to state that this work is to begin at times when there is industrial depression or when there is indication of an oversupply of labor. As it is now, the State bids for labor, materials and everything else in its con-

struction work at times of highest prices, when other individuals are doing that kind of work in times of industrial depression.

Q. Is there any other country in the world — is there anywhere you have any precedent for your suggestion, or Mr. Bates' suggestion, where it has been put in practical operation?

Commissioner MITCHELL.— The governments of Europe are all considering the question of pushing their public works in times of industrial depression.

Chairman WAINWRIGHT.— Of course it is a tremendously interesting suggestion — I mean if it has been practically put in operation, or anybody can suggest the exact way of applying it.

Mr. WARNE.— Now, this question as to seasonal occupations as a cause of unemployment. As I said before, it is very much a question in my mind, as a general statement, whether seasonal occupations are the cause of unemployment. I am inclined to think it is more of a wage problem. This much is true. There are certain occupations, such as the garment industry, where the work is so little that it amounts to a question of unemployment. Then the question comes in, that the people do not work at something else. These are facts the Commission has to ascertain. In other words, I should say the whole question of seasonal unemployment is a question you have to get the facts about; I don't think anyone knows anything about it.

Mr. MITCHELL.— The hardships of unemployment are accentuated by the idleness in the seasonal trades, because a certain number of skilled workers do unskilled work during the time of their own idleness.

Chairman WAINWRIGHT.— You mean to say that there are a certain number of skilled workers, skilled mechanics, who in times of depression will undertake manual labor?

Commissioner MITCHELL.— A certain per cent. of them; not large enough to accentuate the hardships, and certainly in no instance will it relieve the situation. The tendency is to increase the difficulty; for instance, an engineer employed in the construction of a building will, when the building trades are not in operation, seek employment as a stationary engineer.

Commissioner WAINWRIGHT.— Could you take a situation where an unemployed carpenter will try to get work as a farmhand?

Commissioner MITCHELL.— No; I don't think anyone will go — any city workman will go to a farm for employment.

Chairman WAINWRIGHT.— In other words, this State work, the thing suggested now is that where there are many thousands of skilled workers unemployed, and the State opens up its work on the Barge Canal, and the construction of highways, how much of a relief would that furnish for the skilled mechanics. Will it furnish some relief if it could be successfully put in operation for the men in that particular grade of labor?

Mr. WARNE.— In all that kind of work, there is a certain part of it that is carpenter work, will give employment to certain skilled occupations. There is this possibility with regard to seasonal occupations, that a close study of it would enable an adjustment between slack seasons in some trades and rush seasons in others.

By Chairman WAINWRIGHT:

Q. What, in your judgment, is the most model study on unemployment? A. I should say that to my knowledge, there has been no good study on the facts of unemployment. There are a whole lot of suggestions as to unemployment from a theoretical, academic point of view.

Q. Is there any comprehensive text book on the subject of unemployment? A. You take England; there are quite a number of English books. Beveridge has just written a book on unemployment.

Q. I asked what you consider the best and most satisfactory treatise on the subject? A. In this country we have none. We have magazine articles, and chapters in books of political economy, and other books, but there has been no detailed, concrete, definite study of the cause and effects, in this country.

Q. Probably there has been no economist who has had the temerity to tackle it? A. That may be so, but it has not been until recent years a very serious problem to us.

Q. That is attributing a tremendous amount of wisdom to us. A. That Massachusetts Commission report, judging from the time it was made, 1895 and 1896, was a fairly able report, but I doubt whether this Commission would get any benefit from it. Now, Mr. Chairman, another cause of unemployment, to my mind, is the introduction of machinery. We have a very striking illustration of that by the linotype which in one year, during the time the great controversy was going on between the organized printers and

publishers had 30,000 members out of work. Every industry at all times is throwing men in their employ, throwing them out of work because they are introducing machines, for the purpose of more efficiently doing that work.

Q. I know a gentleman very closely connected with the linotype machine who was discussing that very problem, saying that the prediction was that the introduction of the linotype machine would have a tremendously disastrous effect upon printers, but as a matter of fact, there are more printers to-day employed, than were regularly employed before in the country. A. They solved their own problem.

Commissioner MITCHELL.— When they introduced the linotype machine, they put a typewriter there and the compositors in the printers' union took possession of that machine that was coming into their trade; they were going to get control of it, and they did, and of course, the linotype machine gives such an impetus to the printing industry, the men are all at work.

Q. This same gentlemen, who is an intelligent gentlemen, mentioned that an improved machine with six men operating on it, did the work of 1,500 men, in the shoemaking trade, and yet the number of men employed in the shoemaking industry is proportionately greater than at the time? A. That is true; that is the effect of the introduction of machinery in the long run, it does give an employment to a larger number of men; but take the case of the linotype, those compositors who had spent their twenty or thirty years, who were unable to adjust themselves to these conditions, what are we to do with those 30,000 compositors. In other words, the great result of the introduction of machinery is a temporary dislocation of labor supply. Where the organization is strong enough, it will control that machine; but take a great many instances, they are not strong enough; they can not control that machine.

Assemblyman Voss.— That was also illustrated when the elevated roads changed from steam power to electric power — the engineers who were running locomotives had to acquire the knowledge to run cars as motormen.

Mr. WARNE.— That is true wherever they can do it.

Commissioner MITCHELL.— Where there was an organized trade, the engineer would fight for the job and it is all right where the man could go with the machine, but where you have to leave a machine, an unskilled man takes the job. Then, a great hardship falls, as is true in a great many industries — in unorganized street railways right in New York, it happened when the change was made, there was an organization, for instance, the trainmen or the engineers themselves had control of these locomotives on these elevated lines, but as soon as they are no longer controlling the situation in New York, there has been a change in the men, and that has been true everywhere where they have taken off the locomotives and put on the motormen. It is only where the organization is strong enough to demand their men shall continue on the job that there is no great hardship.

Mr. WARNE.— I think the thing can be concretely illustrated in the question of the taxicab. The cabmen of New York city are not strongly organized. The taxicab has come in, and has taken away from the cabmen in New York city their positions. If they were strong enough to demand that all taxicab drivers shall be men who formerly drove those cabs, then you will find the taxis were being run by men formerly cabmen, but taxicab motormen are being used.

By Chairman WAINWRIGHT:

Q. Is that an element in our problem? I cannot exactly think of the State furnishing much of a remedy in a situation of that sort. It seems to me the State could not undertake the control. A. If the State had a Department or Bureau to follow the inventions of machinery — at the present time, I understand there is a machine about to be introduced into the cigar-making industry that is going to displace about 40,000 people in New York city alone. It is possible for a State official to get advance notice of that, and bring about a condition where there would be a better adjustment.

Q. Have a separate bureau to watch those things? A. To watch those things and see what is going to be introduced, and see if there cannot be some adjustment.

By Miss EASTMAN:

Q. What could the State do in relation to those changes? Would not the establishment of a labor exchange connect them with openings? A. Undoubtedly, that would be an element in the adjustment. The primary thing is first to find out beforehand and not wait until they are thrown out, and go and ask for a job, but find out certain men are going to be thrown out of work because of this machine, and in the meantime prepare for it. It seems to me a little foresight would be better than hindsight. Take the questions of inventions so closely related to machines, the same problem, it seems to me, could be followed up if some kind of a State body could keep in touch with the inventions that are taken out

constantly and being applied to machines. In other words, it is a question of foresight. If you have got a body or bureau that is going to distribute men who go about for a job, why can't that same body use a little foresight in cases of inventions and in the introduction of machinery, and know ten months beforehand what men are going to be thrown out of work, and make provision for that, beforehand? It seems to me it is a very practicable thing that could be done. Now, take this question of immigration which is a cause, a very serious cause, a very prominent cause of unemployment. If you will study the inmates of most of our dependent institutions — take for instance, the Municipal Lodging Houses, a great many of the applicants are immigrants.

The problem of unemployment is complicated seriously by this whole question of immigration. I was alive to the fact a while ago that a great many people are rather proud of the fact and rather point out the fact that whenever there is a period of industrial depression, all this oversupply goes back to Europe. To me that is an injury, because the people that go back are the very best people economically and those who stay in this country, the immigrants that do not go back, are the ones that are the worst economically, are practically dependent, and that is the reason why in every period of industrial depression, you find the reports of all our almshouses and institutions showing a tremendously large increase in the number of their alien population. In other words, every industrial depression in the United States fills all of our dependent institutions with those immigrants who are less efficient economically, and not able to take care of themselves. If the immigrants who do go back and are able to take care of themselves here, if it were possible to keep them out of competition with the natives, they would make a demand for goods which would lessen industrial depression; but they take back their savings and there stay until conditions change. The Immigrant Commission of New York State made a limited investigation as to the effects of immigrants' labor on native labor on practically all of our industries. My recollection is we did not find a single industry in New York city where immigrants were not working. We did not follow it up to find out what became of the native labor, but it is fair to assume it was thrown into the unemployed class.

By Assemblyman Voss:

Q. A large proportion? A. I don't know whether it would be a large proportion in comparison with the total of native labor. It is my own personal opinion that most of this native labor forced out, is forced to better occupations, more skilled; in fact, that is one explanation of this big change; native labor does become more skilled in every occupation we followed.

Mr. Larmon has been endeavoring for a number of years, to adjust this oversupply of immigrant labor to the absence of farm labor. He can take that up, because he is better able to tell you about it than I am. The Commission asked the question how it was possible to measure the immigrant labor, that is in the unemployed class. You can do it very easily through these employment agencies. You have in New York city 750 employment agencies, a large number of them being agencies exclusively devoted to immigrants. We I found in 1907 and 1908, the number of applicants for jobs, if I remember the figures correctly, ranged from thirty to forty-five to one applicant for a man placed, that is there were twenty to forty-five men looking for work when there was only one position for a man. That will give you a fairly good measurement as to the relative proportion of immigrant labor in the unemployed class.

By Commissioner MITCHELL:

Q. There was no duplication? A. Yes, that has to be allowed for, you cannot tell exactly. You can get the relative measurement of it. One other cause of unemployment, I doubt very much if it can be measured in numbers, and as to whether it is relatively important or unimportant, depends upon the opinion or personal predilection of the individual; that is the absence of industrial education. Any of you who have followed the trend of education in our public school system, will have realized that a large number of people are being thrown out into life who are not qualified, who are industrial misfits. There are ways in which that can be measured. My own idea on this point is somewhat similar to that made to the last annual meeting of the American Federation of Labor by the Committee on Education, to the effect that some kind of a change must be brought about in our public school system, which will provide or which will enable a boy or a girl, when they reach the age of fourteen years, to choose some kind of a trade or industrial occupation, to be educated and trained for that. We have throughout the country, in different parts of the country, trade institutions, schools that are rather higher educational that these boys and girls could fit very nicely into. In other words, it seems to me this Commission should direct its attention to that phase of our public school system which is presented to us.

By Chairman WAINWRIGHT:

Q. I understand that the present Commissioner of Education is giving a great deal of attention to that subject. We passed in this State two or three years ago, an act drawn in Professor Draper's Department, that gave the school authorities the right to establish, in connection with the public school, industrial schools. It was a very general grant of power to them.

By Commissioner MITCHELL:

Q. They are simply given preliminary technical instruction.

Chairman WAINWRIGHT.— As far as the law is concerned, I should say the law would be perfectly adequate. As I remember it, it gives the Board of Trustees or the Commissioner of Education, or whatever educational authorities there may be in the different communities, the right to establish, in connection with the schools, trade departments. It was so broad, it gave them full power on the subject.

Mr. WARNE.— May I suggest that this Commission make some such recommendation on that point, because it is a solution of certain things.

Chairman WAINWRIGHT.— That has been a great hobby of the present Commissioner of Education.

Mr. WARNE.— Another important cause of unemployment, that is industrial accidents — I don't know whether the Commission has found out — I don't know whether it has emphasized the relation of industrial accidents to unemployment; but it is a very important cause of unemployment. It might be well, if the Commission would take a certain industry, or get sufficient information at certain industrial centers, to indicate what relation there is. Now, another cause of unemployment that is serious, and how serious we don't know, because there is no organized way of measuring it, is the trade diseases that come from different occupations — men who become ill and thrown out of work. That is another question, it seems to me, that needs more facts before we can do anything definite about it. Another thing is the question of old age. Now, when you come to the question of old age as a problem of unemployment, no one can make a suggestion that would not be in a way very radical from all our previous practice. No one could make a suggestion that would not border very much on socialism, but to me it is a very important and serious problem — the large number of people who are unemployed in old age, and absolutely not able to take care of themselves. It only takes a visit to the almshouses to see this; it is pitiful.

By Chairman WAINWRIGHT:

Q. I think in my county — we have got nearly 300,000 people in Westchester County, and we have got a very diversified population, from a manufacturing and industrial center like Yonkers, to the old-fashioned farm towns where the population is as sparse as in any other part of the State; and I think we have only got about 350 inmates of the almshouse. A. Is that largely agricultural?

Q. No. I say we have got Yonkers on the south with some of the largest factories in the State, a city of 80,000; we have Mt. Vernon, with 30,000 and New Rochelle with 25,000 people, and a large agricultural region in the upper part of the county, with nearly 300,000 people, and less than 400 people in the almshouse.

Commissioner MITCHELL.— A very large proportion of the people have business in New York city, and people having business in New York are pretty well to do and have a pretty fair income. You would not find another situation just like that.

Chairman WAINWRIGHT.— How many people have you got in the almshouse in your county, Mr. Lowe?

Assemblyman LOWE.— I should not say a larger proportion.

Chairman WAINWRIGHT.— I would like to get those figures.

Mr. WARNE.— Mr. Hebbard issued some time ago, a statement as to the increase in the large number of men and women thrown on his Department because their children were out of work. He knows a good deal about it.

Assemblyman VOSS.— Would it be right in stating that as the result, for instance, in England to-day, of the great number of unemployed, especially among the old people, that it was a cause of their passing this bill, the law on old age pensions?

Mr. WARNE.— I should say that is true, because England has been compelled to reach that problem through the government.

By Assemblyman VOSS:

Q. You say that problem has been met as the result of the introduction of the old age pension in England? A. It depends on what you mean by meeting a problem.

Q. Taking care of the old people? A. That simply means taking care of them outside

the almshouses instead of inside the almshouses. That is a question more of method. It seems to me the question is much deeper than that. It is a question of right. A man who has given forty or fifty years of his life to industrial production, should not be taken care of as a charity. It is a right he has to demand of society, to be taken care of in decency and comfort. Whatever your method, it is not a question of charity to the man; it is a right he deserves and should be accorded to him.

By Commissioner SEAGER:

Q. Do you mean to imply that the age of superannuation is getting lower? A. What I mean to imply is one of the important causes of unemployment, is old age. I have no means of recommending any remedy.

Q. You mean that in the sense you think it would be desirable to devise a method of devising employment for aged persons? A. No. I should say it is being met, as far as my suggestion would go, in the same way that the Pennsylvania Railroad is doing it, or the New Central or those large employers of labor, who are making an arbitrary age limit, say seventy years, and he retires at a certain per cent. of his salary, which continues until he dies. That part of the problem is being met by these private corporations, and large industrial enterprises. It might be that this Commission could indorse it, encourage that thing. I don't mean to say the Commission should recommend it to the State to do. I take it this Commission is to recommend devices and ways of meeting this unemployed problem which the State may not have anything to do with at all; in other words, it is my idea the Commission would recommend a solution.

Q. This solution is shoving people out of the employed class into the unemployed class? A. As I said before, it is not an unemployed problem, if a man is able to take care of himself.

Q. I hoped you had some figures showing some light on the alleged tendency of industry to superannuate men at an earlier age? A. No; I have not, except it is generally understood in most corporations that, comparatively, a man is thrown out of work at an earlier age than twenty years ago.

Q. Of course this pension plan, seventy years, it would seem to bear on that view. A. Comparatively few men reach the age of seventy — the number is small.

Q. I mean, if the railroads, for example, do not retire their employees until they reach the age of seventy, it does not seem to indicate that men are being superannuated? A. That particular aspect of it would not. Just one other of the many causes of unemployment — I would like to refer to, and that is the question of distribution. The Immigration Commission took that up. It was found in a rough way, that probably three-quarters of the immigrants coming to the United States are farmers and farm laborers in European countries. They do not go to the farms in this country; they immediately go into our industries, most of them at unskilled work. There is something here in addition to these 750 employment agencies, the Bureau of the Federal Government; the Bureau of the Department of Agriculture, which aims to get these immigrants on the farms, and a great number of philanthropic and religious societies. In other words, you have a tremendous scheme of distributing labor; it is a sort of haphazard thing, a competitive system. Some sort of definite distinct State control, it seems to me, should be made of this distribution machinery. There is no correlation, there is no supervision of any of them, except in this Bureau of Licenses, which has charge of employment agencies, which receives the reports, from, I think, sixty of the so-called contract employment agencies; but there is no general supervision of the machinery of distribution. It seems to me the Commission could recommend something of that kind. My only general suggestion as covering the problem of unemployment is that this Commission should recommend to the Legislature, the creation of a separate and distinct Bureau in the Department of Labor; you might call it a Bureau of Unemployment or any other name which would have to do solely and particularly with this unemployed problem. I think it is safe to assume the State would get into a position of that kind, a man who is on the job and paid his time and attention and who could arrive at some definite and distinct practical solution. You have a Bureau of Factory Inspectors doing very efficient and necessary and important work. This Bureau of Unemployment could work somewhat along the same lines.

Q. You have in mind something different from an Employment Bureau? A. Exactly; except this, the Bureau of Unemployment might devise some sort of machinery of an employment agency. For instance, you had in 1896 a State Employment Agency, which was discontinued. The reason it was discontinued, as far as I could ascertain, was that it developed into a loafing place for servant girls; it was not efficiently managed, did not have a sufficient appropriation, it was not conducted in a way that it should have been conducted. It seems to me because New York State has failed in the attempt, there is no

reason why the State should not be alive to the fact that it might be an efficient agency for meeting this condition of unemployment. It seems to me there should be an agency created. I haven't anything further to say.

By Assemblyman Voss:

Q. The only thing you can suggest, is as you have just stated, the establishment of some Bureau, some State Bureau to take this matter in hand? A. That seems to me the only practical thing. For instance, on all these different causes of unemployment, there needs to be a remedy and you will have to have some State official whose duty and business is to apply those remedies and attend to those things. For instance, you cannot reach unemployment through the introduction of machinery unless you have got a man who is on the job to see it is attended to.

Q. Would you say it might be possible, if a free Public Employment Bureau were established in the State, with a sufficient appropriation to enable it to be properly conducted in cities of the first, second and third class? A. The operation of this State Employment Agency in 1896 and 1897, was absolutely opposed by all of the private employment agencies, and there came a conflict between the two, and there was a bitter warfare between the two, all the time. If that employment agency can be conducted, so that there will be State control over all the other agencies, I think that would be efficient. All of the employment agencies in New York city used the State Employment Agency to throw their worthless applicants on. And it got a very bad reputation. All the employment agencies used their best efforts to throw mud on it, and all that sort of thing.

Q. Have you looked into the statistics also of the workings of similar bureaus in other States? A. We took them up and found some States worked very efficiently — Massachusetts and Illinois.

Q. In these states where the law is working very efficiently, has the State control over all employment bureaus? A. I think so; I think Illinois has control of some kind over its bureaus; and I think Massachusetts has. I don't know about Ohio.

Assemblyman Voss.— I understand Mr. Earl is here. I would like to hear from Mr. John C. Earl.

JOHN C. EARL.

By Assemblyman Voss:

Q. Mr. Earl, will you please state whom you represent and your qualifications? A. I am financial secretary of the Bowery Mission.

Q. What is the Bowery Mission? A. It is a charitable institution.

Q. Conducted by whom? A. By the Rev. Dr. Hyland, as secretary and by the Christian Herald.

Q. How long have you been connected with it? A. Twenty years.

Q. What are your duties? A. I have charge of the free labor bureau.

Q. What is the purpose of that labor bureau? A. Furnishing labor to the unemployed in New York city that apply there for work.

Q. That applies to any kind of labor? A. That applies to any kind of labor that we can fill.

Q. It is a general bureau? A. Our principal object, Mr. Chairman, is to get the unemployed men out of the city into the country — back to the country, so to speak. We have not taken that up as a fad, but we find the bigger opening is there, and find that there is plenty of employment in the country, if we could get the men to the country.

Q. Is this a denominational institution? A. No, undenominational. It is a very wide question, Mr. Chairman, and if I get off the line, just pull me back; I am not used to speaking in public. There are before us two great factors in the unemployed; one is the foreign element that you can see yourselves in the snow-shoveling in the streets. If you stand by any of these big groups of men, you will think you are in Italy. For instance, the native-born American cannot get employment for that work. There are reasons for that.

Q. What are the reasons? A. He is not suited; the native man is not strong enough. When a man is out of employment for three or four weeks, he lacks the necessities of life and as a rule, the native-born workman is not thrifty and he is not able to stand that work. The foreigners come fresh from the other side, and they are a stronger class of men than the general run of men looking for employment, I mean English-speaking races.

We find that the farmer in the country, in quite a number of instances, sending his application to us for a man, will say "I don't want an American; I prefer a Swede or an Irishman." When they get a fresh Swede, or a fresh Irishman, he can do about ten times the work that a workless American will do; and they can give them the wages they like.

There is a vast number of the unemployed of the trades that do not come to us. That, you must take into consideration. They are kept — supported by their people; in fact, the workingman out of employment, lives on the workingman in employment. They help one another. How you are going to get statistics on that is above me; because we only touch the fringe that comes up against us, that are practically at the end of their tether. When this other gentleman was speaking, you asked whether the mechanic would take up farm work. He does, from my experience. Fifty per cent. of the men we send to the country, belong to recognized trades. You must remember, men who are down and out, they are at the end of their tether, they are glad to get out. On the other side, I have letters from the farmer which will prove what I have said.

By Mr. MITCHELL:

Q. How about the wages they are to pay? A. We have a form of application, and it is through the newspapers we push forward this work. We write up a little article, and give some instances of the work we are doing, and that goes all over the country free, and the farmers begin sending in; they want men here, and they want men there — there are not so very many of them, but they do come in, in little lots. Sometimes you will see a newspaper canard that there are a thousand men wanted in Iowa and then find it is not true, that is another thing you want to guard against.

By Chairman WAINWRIGHT:

Q. When a man says five thousand, men can be employed on a line of two big railroads in this country and they have got no problem of unemployment out in their part of the country, what would you think of a statement of that sort? A. I will strike that out. In three cases last year, the thing fell through.

Q. I am not stating a suppositious case, but an actual statement where that statement was made by a man actually connected with a very large corporation? A. Supposing we got an order in our institution, or the charity organizations which do a tremendous amount of work in that line, and keep statistics in a very perfect manner, supposing they got an order for a thousand men to go to a certain place in the country where there is need of men, the first thing we have got to do is to look for the transportation. We have not got that and the men have not got it. The question then becomes a question of transportation. If you can solve that question in some manner that will transport the bodies of men from where work is not to where it is, you will get very near solving the question. It is a question of transportation. I have had farmers from away out West send me sixty dollars for one man for transportation, and that man got out there and worked on the farm.

By Commissioner SEAGER:

Q. Did he stay? A. He stayed there. That man stayed there — some do not stay. There is another problem. The farmer says the men here don't want to work. They do want work; there is a risk in going out to the country. The farmer will fill our employment blank out; we give him a blank and he fills it out. I say: "Make the terms as good as you can, and you will get the man you like." This is not a joke — sometimes they want a man with blue eyes, sometimes they want a German, a certain class of religion, a man that does not drink or smoke or swear, and they make it so hard they will never get that man except in Heaven. I can show you letters to that effect. The average man will go out to the country for the lowest wage you can get a man to give, which is about \$10 a month and board. They pay out West on the ranches, \$30. You cannot get a farmer to send to you \$50 to get a man out there.

By Commissioner MITCHELL:

Q. About what is the average wage the New York farmer pays for a farm hand. A. \$10 to \$15.

Chairman WAINWRIGHT.— Miss Eastman, have you any idea what our figures show on the tabulation of average rate paid to farm labor?

Miss EASTMAN.— The average rate paid in the harvest season is \$2.07 without board. That is an exceptional wage; that is the wage for harvest labor that comes in for the three summer months.

Mr. LARMON.— I am surprised at the statement the gentleman made. In our working department of agriculture, we send out about 4,000, and the average wages was not less than \$20. Some are less, but the others run up to \$30 and \$35 with board.

Mr. EARL.— It sometimes goes higher. I am giving you average figures; but the bulk of the applications come in for \$5 a month, and a lot of them for nothing at all. When they find these men are down and out, these farmers take advantage of them.

Mr. LARMON.— We turn applications of that kind down.

Mr. EARL.— We don't turn them down. He is better out in the country at \$10 a month, than loafing in the city.

By Chairman WAINWRIGHT:

Q. How many men have you placed? A. Roughly, this last year, over 4,000 men.

Q. That is in addition to the four thousand farm hands the Department has put out?

A. When you say farm hands, you don't mean I send out practical farmers; any class of men.

Q. One of our duties is to find out some remedy for lack of agricultural labor in the farm districts of the States. A. These men were not practical farmers, but there would be in them, I suppose at least 25 per cent. of practical farmers.

Q. Twenty-five per cent? A. Were skilled farm hands. We put into employment about 4,000 men that went out to the suburbs. These figures have not been swelled up by the snow-shoveling, because practically we have not sent any men to snow-shoveling. They are taken up by Italians. I have not studied how this is done, but I believe they have to pay twenty-five cents for a shovel. The Italian always has twenty-five cents. Of all the men we placed, I should think 50 to 75 per cent. went out on farms.

Q. How many in this State? A. I did not come prepared to give statistics. A majority go to the nearer cities, and as you go further, there is less and less.

Q. You are not able to state how many men your organization put on the farms of this State? A. No, I am not; but I could get that if I had an opportunity.

By Assemblyman VOSS:

Q. If transportation had been furnished, how many men could you have placed, not only in New York State, but throughout the country? A. If transportation had been furnished?

Q. And there was a call, we will say in Chicago, for a thousand men? A. I think I could put on a thousand men in twenty-four hours. There are men who do not come to the Mission, and the moment they knew their transportation was to be paid they would be right at the door.

By Commissioner MITCHELL:

Q. How many men did apply to you for employment during the last year — come to you to seek employment? A. We don't put their names down.

Q. Can you state approximately how many? A. I would not like to. That would be a jump at it. They might be repeaters.

Q. Four thousand or fifty thousand? A. I would not like to answer that.

Q. Was the supply of labor greater than the demand for labor? A. Yes. If you go down now, you will find over a hundred men sitting there waiting for jobs. You can go through those men and size them up. They are men from all kinds of trades.

By Chairman WAINWRIGHT:

Q. How do you distinguish between the vagrant and the man who is a serious applicant for labor? A. If I were sitting at my desk in my office, and the man comes to the grill there, before he has got to me I can class him. When I have engaged him in five or ten minutes' conversation I can tell whether he belongs to the vagrant class.

By Commissioner MITCHELL:

Q. You have what you call a bread line now? A. Yes.

Q. How many men in your bread line now? A. About a thousand.

Q. How many men during the panic? A. Twenty-five hundred. It is not so large now.

Q. You still have a thousand? A. Still have a thousand.

By Chairman WAINWRIGHT:]

Q. How many were there in the early part of the winter in 1907 and 1908? A. Average up to a thousand. This is easy. There are not so many of them. There have been some notices in the newspapers, some clippings come to me that the bread line had gone down owing to the snow-shoveling. This is not true. We have not sent men to the snow-shoveling; they have not been taken on that.

By Commissioner SEAGER:

Q. I would like to have your opinion of the capacity of those men in the bread line? How many of them are vagrants, and how many are actual serious workers? A. I am

down there on and off in the nighttime, and go in amongst the men and talk with them, and I can give you a very close idea of that. In the first place, the crook or the clever man is not to be found there. He can make his living otherwise than that. The professional beggar you meet on Fifth Avenue is not there. A man came to me yesterday; and I gave him a letter to the Labor Bureau, and he never went down. Those men are not to be found in the bread line; but the vast number in the bread line are men who have played the game of resting on their friends as long as they could, and they are practically unfit for labor. When we have a man to go to a farm, we have got to pick him out; he has got to have the strength, or we get complaints from the farmers that they cannot do the work. When he gets to us he is beaten up. He is not able to stand and fight the battle; he is down and out.

Q. Do you mean the bread line is no indication of the problem of the unemployed?

A. It is in a way.

Q. How do you connect the bread line as you have described the composition of that line? A. I took the statistics of it, and out of two thousand men I don't think there were more than thirty-eight or forty who were bums or tramps; the remainder were farmers, tailors, carpenters, and so on. A man may have said he was a carpenter when he was not.

Q. He may have been a carpenter? A. You are right there; we are going into another end of the question. There is where the danger of the unemployed lies, with people who have got connections, who have people who are able to support them. They support that man for about twelve months in idleness, and he then gets no good. He is not worth anything.

The bread line is a severe test. There is no man who can earn his bread who will stand in freezing weather two hours for a piece of bread as big as that (illustrating) and a cup of coffee. Now that is a severe test. The hobo is capable of getting it through dishonesty or through all of the many tricks that the city man is up to, but the ordinary workingman is not posted. The ordinary tramp and loafer can live where a good mechanic can not. He is not onto the ropes.

I have my views on how that might be remedied. The transportation is the problem, and against that transportation you have an insuperable barrier. And that is this: everyone who wanted to go on a vacation to Chicago would apply for transportation — we would be swamped. The farmer has got to take his chances at the other end. The Government should control that in some way. The man who goes on the railroad and skips, that should be a penal offense. On the other hand, we find that there are more tricksters on the farmers' side than there are on this. I am telling you from my own personal experience. When he gets a man out there he will say he is no good, make him work for a month, and throw him out; and that poor devil is left out there in the country, without a friend. That end of the line has to be watched more than this. These men are weaklings, and we feed them a week or two, and given them good socks and get them shaved and send them to the farmers; but the men cannot stand the work. It is a very intricate problem. If the government could control transportation, so that it could not be abused by people who wanted to travel over the country, you would have a solution.

Q. You mean by that to imply when there is a dearth of employment in one part of the country, if you had transportation, you could with reasonable certainty find employment in some other part of the country, and therefore, transportation is the basis of the whole problem? A. Not the basis, it is one of the things that will help. If that order comes from Chicago for a thousand men, I think you could get all the men you want. These are not the vagrants, but the down and out. Then the charity men weed these men out and send the fit ones. Ours is a charitable organization; we give them a little feeding and so on, and give them some clothes, and send them out, and don't inquire too closely into his pedigree, but give him a chance.

By Assemblyman LOWE:

Q. What effect do you think it would have on the problem to confine transportation to the limits of the State? A. It would be a help, anyway. In New York State, to send the biggest number, but that is a transportation problem. If transportation were furnished, we could send them out West where they would get \$30 with board.

The next problem of the unemployed, is to see that your man is fit, because a man who has been walking around is not fit, not well fed, not in good condition. There are a lot of sick men who ought to be sent away into an asylum to recuperate. Now here is the third part of the problem. I think it was 12 months ago, the late Edmond Kelly had a big plan, that was a colony system; I believe the colony system is the only solution of the problem. To understand what I mean, you would have to read Mr. Kelly's work, "The Elimination of the Tramp." A man goes there voluntarily. If a man is constantly appeal-

ing for charity and does not get work, then you would want to have an infirmary to make them fit for work before you put them at it. A man who is not able to do a good day's work, he is dropped; he is not fit to do a good day's work. If you go down, you will see these men in the Bowery waiting for work, and if you go at 1 o'clock, you will see the bread line. Go around amongst the men, and say "Who wants a job?" and hear them yell. I think the question of unemployment is one that ought to be taken in hand by the Government.

By Chairman WAINWRIGHT:

Q. The general Government? A. The general Government of the whole country.

Q. You mean, you think it is more a national than a State problem? A. It is a national problem. This immigration business helps it. I applied to the Trunk Line Association to help us out, and we sent invitations to every governor in the United States, and we sent to those States where people were telling us they were in need of employment. I have got governors' letters, saying they had no need. I attended a meeting of the Trunk Line Association, and made a plea that we be allowed some little advantage for the transportation of these men. They considered it and wrote me saying they could not do it. I wrote them again, and they said if it was a question of charity, they might consider it — and they asked "will you pay the balance if we pay half?" Now, that is a tax on us which we are not prepared to meet. I am not blaming these gentlemen; that is their business. This is a government function; we are practically usurping a government function in attending to the unemployed on the Bowery. That is my position, and I think it is a disgrace to the Government. Immigrants come in at the Battery, who are not American citizens, and they are allowed half their fare. I have got a letter from them, saying that there was an allowance of fifty per cent.; a stranger coming in is allowed assistance, and the native American citizen is not.

Chairman WAINWRIGHT.— That only means that the railroads are permitted to furnish, and do furnish a certain class of transportation suited to their needs, at a less price than the ordinary class of transportation, but your statement was, you seem to think the Government was paying half fare out to the West.

Assemblyman Voss.— The point you wish to make is, it is only done by the railroads in favor of the immigrant.

Mr. EARL.— That is another important factor on unemployment; the foreigner gets employment and gets a chance, while an American citizen does not get it. We are dealing with the American citizen in New York city, and I say we cannot get the help from anybody, whether Government, railroads, or who it is. A greenhorn who cannot speak one word of the American language, he gets a job. These are things that I am up against. I may be wrong in some little technical points; I did not come here prepared.

By Assemblyman Voss:

Q. What would you say with reference to the question of a free public employment bureau in this State? A. I think that is very important.

Chairman WAINWRIGHT.— Mr. Tucker knows all about that, State Employment Bureau.

Mr. TUCKER.— I don't know all about it; I know a little something about it.

Mr. EARL.— If there was a regular bureau and those other bureaus were put out of existence, people would not look at it in the light of charity.

By Assemblyman Voss:

Q. Have you given any thought to the methods employed in other countries, with reference to these people? A. I don't think they can give us anything. I think we are better physically and naturally, than they are. I think the differences are so great in the people, and I think we have a bigger opening here. We have always the country — the land. There is the exception of what Mr. Edmond Kelly brought from Switzerland — that is where the idea came from.

O. F. LEWIS.

Mr. LEWIS.— Mr. Chairman, I have been connected for about four years and a half, with the Charity Organization Society, in dealing with the homeless men who come to that society; two years financial secretary, and secretary of the Prison Association. I wish to talk particularly in regard to two bills coming before you this winter having a very direct bearing upon this question of unemployment. One is, a labor colony bill in some form, not quite the same as Senator Grattan's Bill of last year; the other is a bill for the establishment

of a reformatory for misdemeanants, of which there is none in the State at the present time. Taking up first the matter of the Labor Colony, and showing why a labor colony of this State seems to be a necessity, I want to direct your attention to the census report of 1904, which shows that the four principal causes of commitment for crime in the United States, were drunkenness, vagrancy, larceny and disorderly conduct; and if you take drunkenness, vagrancy and disorderly conduct, you have 54 per cent of all commitments to penal institutions for that year, which is the year that has last been studied by the census. Vagrancy occupies twenty per cent. of that fifty-four.

Now, in the State of New York, we committed more vagrants, than any other State in the United States. We commit them at present to workhouses, penitentiaries and county jails. They are committed for very short sentences, rarely does a sentence run over six months. Thirty-six per cent. are not one month; 20 per cent. more are for one month; and the figures above six months are so ridiculously small, you cannot see them on that diagram, which is a reproduction of a diagram in the *Times* about a year ago.

Now, that is not only a very serious situation, but it is also one of the continuing causes of unemployment that Mr. Warne did not mention. He mentioned some of the fundamental causes, and these causes are so important and so much more important, really, than the question of dealing with this mass of vagrants and tramps, that it should receive your first consideration. These various mills are turning out a product and the question before you is how to take care of that product. That product is taken care of at present in a way in New York State, that does not result in their restoration to industrial efficiency. That is an argument for a new kind of institution. Mr. Kelly and others drew an elaborate colony bill last year, modelled very largely on the Swiss colony at Witzweil. There are in Germany a number of compulsory colonies also. The men must stay at Witzweil until they serve their sentence, which is indeterminate. They emerge from the Witzweil colony to a voluntary colony which acts as a passing out house, and from that they can, if they have acquired some efficiency, be restored to industrial life.

Now, this Grattan Bill of last year and the bill which comes before you this year, contemplates not a voluntary colony, but a compulsory colony, because it is, I think, the consensus of opinion of those that have studied vagrants in this State and in other States of this country, that the best method to be applied to the wandering class is the method of human restraint until such time as it shall have had an opportunity to learn some form of industry, either agriculture or some other form. There will, at the best, be a large residue of men who will not acquire that ability, but there will be, we hope, a reasonable number, committed for a reasonably long indeterminate sentence, who will acquire that ability; and that is the vagrant plan of the Labor Colony.

Now, in what has been said this morning, in regard to vagrants, one thing has not been emphasized, that is, there are certain generally well defined groups of vagrants, and you have got to treat them differently. Mr. Earl has spoken of the Bread Line; others have told you of certain classes of men; that there are men who are old, and still elder men, the third class are classified generally as tramps, hoboos and bums. It means there are a large class of young men between ages of 16, 22 and 23, who have recently hit the road, and are reclaimable. Beyond that, there is an intermittent class, and I have confidence that is reclaimable. There is the advanced case of vagrancy upon which efforts are almost wasted in the effort to reclaim such a man as that, and for such a man undoubtedly, we are going to have custodial care for life. For the first class, for the young man, definitely reclaimable man, the man may be in Elmira, we ought to have such a Labor Colony. For the second class the man who is less reclaimable, but still has some form of labor he can do, we ought to have a Labor Colony. There will be naturally a classification of work, agricultural and certain industries, and those who are more reclaimable, more efforts will be spent upon.

By Chairman WAINWRIGHT:

Q. You don't want to make it too attractive? A. It won't be too attractive, because the men can not get out. The plan last year was the maximum sentence to be a year and a half, and the minimum, in the discretion of the superintendent. That, very briefly, is the plan of the Labor Colony Bill. It is to be managed by a Board of Managers. It is a penal institution, but it is a reformatory simpler in its general administration to the administration, for instance, at Elmira, by the Board of Reformatory Managers, similar to the administration of the Bedford Reformatory or other reformatory institutions, not by the superintendent of a prison. It is for the offense of vagrancy and tramping. Vagrancy is not a crime, but tramping is a misdemeanor.

Q. Why do you say so positively, not under the control of the State Prison Department? A. Because I think the whole purpose of this institution is not to be a prison, but to be a reformatory.

Q. You distinguish it from a State hospital, then? A. It will have State hospital characteristics, but it will not be a State hospital.

Q. Because the State took over the management of the State hospitals? A. We have an analogy in the State Reformatory Institution at present in Elmira, working very satisfactorily. I don't want to go into a long discussion as to the desirability of having the Institution under the Superintendent of Prisons or Board of Managers. I might say this is not a proposition of my own, but has been worked over by a large number of people and organizations in this State — I might mention the Prison Commission, the State Board of Charities, the Prison Association, the Charity Organization Society, the Society for the Improvement of the Condition of the Poor, and men and women throughout the State.

Q. How large an appropriation do you ask for? A. The appropriation asked for last year was \$250,000, and that killed it, among other things. It did not go through the Finance Committee; it went through the Assembly.

Q. Who had it in the Assembly? A. The Finance Committee. Senator Grattan's Bill went through the Assembly. This year, I think there will be an appropriation asked for a site, but these details are now in the hands of a sub-committee, and the bill is shortly to be prepared, and it will be introduced. The theory is not that all these men are going to be reformed, but a certain number of men who have not had a square deal, and particularly the young fellow on the road to vagrancy, shall be sidetracked, to an institution, not as pleasant as outside life, but at the same time, not a prison, but a reformatory. A board of managers and a superintendent of sympathy and efficiency will be appointed, and these men will be taught as far as possible, but at the end of that time, it will come under the system similar to that which now obtains in the case of Elmira.

Q. How can you distinguish between a man going to Elmira and this colony? A. There is a very serious difference. The man who goes to Elmira has committed a felony.

Q. What have these committed? A. A misdemeanor, or he has offended against a local ordinance. The bill provides distinctly that they shall be sent only on a charge of vagrancy or being a tramp.

Q. In a town like ours on a cold winter morning, there will be ten or fifteen men rounded up there, they have not done anything; they probably go to the police station for a night's lodging? A. They have not done anything there, but you don't know where they have.

Q. Upon what theory are you going to restrain these men from liberty and put them in jail? Can you put them in the class of offenders against the law, when the law is more apt to be an offender against them? A. The bill, as it has been drawn, provides that no man shall be sent to this colony but on testimony before a magistrate, which can be corroborated by other testimony. We are all sympathetic. It is the men who are down and out. We must not allow our sympathy for the individual to overcome our knowledge of what seems to be the facts, namely, that a very large proportion of this army of vagrants is an army which maintains itself in idleness largely because it wants to; that while there are a certain proportion of men traveling, looking honestly for a job, a large proportion of the men huddled around your lock-up or riding on trains are men who want to be there and don't want to take work. I can't say anything more than that.

Mr. TUCKER.—It seems to me that we have got to describe and set up for ourselves a new type of offense and got to admit that it exists. I should describe it as social inefficiency in which the crime, if there be any, is a joint crime as between the individual and society at large. Society in many cases has not performed its duty to the individual, and the result is that the individual does not maintain his duty toward society. Perhaps to pass upon that crime, if we call it so, or that offense, we will have to create a new type of court, but that we have got to come to it, is as inevitable as that we are sitting here; because we who have dealt with that type of inefficiency know that the desire for that kind of custodial care exists on the part of the offender himself, among doubtless, the more intelligent — that offender, more often you will find him perfectly willing to accept that type of custodial care which will restrain his weaknesses of character and which will provide a means for developing such qualities of earning capacity in him which he may possess; in other words, there is a distinct type of social inefficient, who is willing, who is cognizant of his own weaknesses, and is willing to submit to the restraint and the educational processes which he hopes will make him fit once more to enter society.

Chairman WAINWRIGHT.—That is all right, Mr. Tucker, but this proposition of Doctor Lewis involves a broader principle, that it means it is not even the man that goes voluntarily, but where you take ten men in the New Rochelle lock-up, and five of those men may be the kind of men you describe, and five of them pure bums, where are you going to be able to commit them to some institution?

Mr. TUCKER.—I find a justification for the situation in this: Those men are not capable of self-support, not capable of performing the duties of a citizen. We must create some official or body which is capable of deciding whether the individual is socially efficient or not. We cannot decide that on the basis of any single act. We must decide it on the basis of the history of the man, so far as it can be obtained, with the ability to judge of his general attainments.

Chairman WAINWRIGHT.—You mean you cannot put him in the same category as a lunatic or habitual drunkard?

Mr. TUCKER.—The man is distinguished through incapacity of character or other mental or physical weakness.

Commissioner MITCHELL.—If a workman were out of employment either because of his necessity or because of his choice, has lived in the State of New York and has no money, he might be sent to this reformatory for a period and there he would be confined?

Mr. TUCKER.—I can not imagine such a thing happening where properly conducted. In the first place, the type of man you instance would travel with credentials—he ought to have credentials; I believe every carpenter should belong to the trade union or body.

Commissioner MITCHELL.—And the law will provide if he had a union card he would not be sent?

Mr. LEWIS.—It is not the law. It is the magistrate himself.

Commissioner MITCHELL.—I doubt if you will have it with the consent of the workman. If you contemplate putting men under restraint if they are out of work, if they commit no crime against authority except they were unemployed and compelled to beg, I doubt whether the workingmen will ever agree that they can be reformed by sending them off to some place.

Mr. LEWIS.—This does not contemplate the sending up men who are now not being arrested, but it contemplates an institution to which they may be sent as described, to learn something, rather than being sent to the jails, penitentiaries and the workhouses. I think that honest men, seeking work, rarely get before the courts. I think you will grant it is much better he should go to an institution with no minimum sentence, but with a maximum sentence, than go to the county jail among confirmed criminals. That is what this institution contemplates. It contemplates providing a better kind of institution, exactly as the Bedford Reformatory for Women is a better institution than the Workhouse of the City of New York.

Assemblyman VOSS.—One magistrate told me about a year and a half ago that during the winter of 1908 ten or twelve men came into his court that were without work, unable to support themselves, and asked to be committed to the workhouse; and a charge of disorderly conduct was drawn up against them, and they were committed for the winter.

By Chairman WAINWRIGHT:

Q. Their being committed to the workhouse or institution for vagrancy is always voluntary. You cannot take a man and commit him because he is a vagrant. A. Oh, yes. We commit more men for vagrancy in New York than any other State in the Union.

Q. How do you define vagrancy—distinguish between the man who is a bum and the man who is really a hard-luck man?

Mr. WARNE.—The City of New York has established a municipal lodging house, where any man or woman can be fed or clothed and get a night's lodging; and if they are there more than three nights, they are taken before a magistrate on a charge of vagrancy.

Mr. LEWIS.—The weakness of the Municipal Lodging House system in New York city is this: it has no work. It is not in the wood business, or in industrial business, as in the case of Boston Municipal Houses, or Philadelphia Society for Organized Charity, with its wood yard. I won't go into the reasons; we might think it might conflict too much with some industries in the State, and that is probably the reason why Mr. Hebbard, Commissioner of Charities has spoken of that work test. We have this actual threat of commitment if they go there a certain number of nights in a month, when, for instance, with their half million dollar free hotel, we ought to have them stay much longer.

Chairman WAINWRIGHT.—I am furnished the definition of vagrant—a man without visible means of subsistence.

Mr. LEWIS.—That is one fact. I know another. If you look in the State Charities' Law, you will find that there are eight or nine definite headings for vagrancy, largely different in wording. It is supposed the judges also find out there is no intention of working. There are other definitions of vagrancy which cover prostitution and other things that don't directly concern us. Vagrancy is really a state of being nothing else. A man is rarely sent away on a charge of vagrancy. Vagrancy is a blanket definition; it is an unsatisfactory definition in this State.

By Commissioner SEAGER.—Q. Will this bill define vagrancy more precisely? A. It has not contemplated that so far. It contemplates rather leaving that commitment to the magistrate. I want to say a word or two regarding this other institution, namely, a reformatory for misdemeanants. A reformatory for male misdemeanants is very necessary because all of our boys between the ages of sixteen and twenty-one are sent to institutions in this State for misdemeanors that have no reformatory character. The man who happens in a street fight to knock a fellow down, or who has gone with a gang and stolen some pigeons, or something like that, is convicted of a misdemeanor and is sent to the workhouse or county jail or penitentiary, and a description of the conditions there has been outlined by Doctor Henderson of Chicago, in his report on county jails, and such description can be found in many places. The Prison Commission and Prison Association are going to bring this bill before the Legislature, providing for a reformatory for male misdemeanants, probably having a Board of Managers or a Board of Reformatory Managers as at Elmira. From January 1st, to October 1st, 1909, 1,639 boys were in the Tombs between the ages of 16 and 21. All those boys are reclaimable. They are not to be reclaimed through county jails, workhouses and penitentiaries, and a certain proportion can be reclaimed through a reformatory, and that is the reason I should urge upon your Commission the consideration of this bill. I think your Commission should consider this, that while you have got these fundamental causes that are so important, you cannot deal with those causes immediately. They are important social causes that are going to be rectified gradually. We have got the conditions existing here; we have got the facts; we have got some 5,500 boys between the ages of 16 and 21 in these institutions. That should not be for boys between 16 and 21 that are reclaimable. We need also some form of institution which will enable a man who is down and out, who is in some degree reclaimable, to learn a trade or to learn to become a farmer, because agriculture, it is planned, shall be one of the principal occupations of such a labor colony. I think if you do not consider the labor colony perfection, but consider it in comparison with what we have got now, and that labor colonies have been considered to be the solution of this question in Germany, you will see we are probably on the right track in urging the introduction of such a colony in this country.

Chairman WAINWRIGHT.—Now, Mr. Tucker.

FRANK TUCKER.

Mr. TUCKER.—I have found that it is the easiest matter in the world to talk loosely all over the shop, about the so-called problem of the unemployed. I have seen it in my experience that the problem of the unemployed is not one problem, but it is many problems, and one can not talk intelligently or directly about it, until some attempt has been made to classify the problems that exist and deal with each class of problem by itself. For instance, as I see it, there is the problem of the unemployed within the City. By the City, I mean New York city, which is unique in its unemployment problem.

Recess until 2:30 p. m.

AFTER RECESS.

2:30 O'CLOCK P. M.

(COMMISSIONER SEAGER presiding.)

Commissioner SEAGER.—We will come to order. The first gentleman on our program this afternoon is Doctor Tucker, who will continue the remarks he began this morning.

DOCTOR TUCKER.—If I recall aright, I had said that we could not talk intelligently or concretely on the subject of unemployment until we had first classified the problems of unemployment, stating it briefly, that the problem of the unemployed in the City of New York is one thing, the problem of unemployment as between the State and the City is another problem, and that the problem of unemployment as between the City of New York and the nation at large is still another and a very different problem. The problems also vary according to the type of employment and the personal equation of the unemployed.

Now if I were asked to suggest a program by which unemployment might be minimized, it cannot be done away with entirely, in my judgment, for a variety of reasons, among which are the transient nature of many employments both in the City and in the State, I should say that so far as the City is concerned, I believe the first step in minimizing unemployment is the organizing of every occupation and every trade, not for the purpose

alone of getting higher wages, but for the purpose of intelligent study by groups of employees occupied in the same or similar occupations, for the general purpose of betterment in those occupations and trades, among which, of course, is the improvement of the working conditions, the permanency of work, compensation paid, and generally an intelligent conception on the part of those employed of the forces that are at work to create work in the first place, to keep it permanent, to keep it reasonably stable, and to make the whole object of employment satisfactory alike to employer and employee. In other words, from my experience, I believe that the first step in the intelligent orderly treatment of employment is organization of the employees with these objects in view; and intelligent knowledge of themselves as a group, and of all the conditions that govern their employment.

As a second step, I believe that there should be centers of intelligence with regard to labor and all that is meant by the term labor — I used it in the most inclusive sense — centers of intelligence, not engaged directly or primarily in obtaining positions for individuals, but centers of intelligence directed by groups of men representing various relations in life and various experiences in life, all of whom should have an intelligent interest in the problem of labor. That for the purpose of aiding these working groups which I have in mind through educational means, through information concerning the larger forces, larger conditions, larger influences that are at work affecting their employment.

Now, as to whether those centers of intelligence will be best administered and directed by government or private control is perhaps an open question. I personally believe that it is the function of the Government to provide those centers of intelligence through established commissions of men of the right type, just as we are learning to establish scientific commissions, which are permanent commissions, to deal with the tariff, finance and other intricate and complicated matters of that kind.

Now a third step is the labor bureau so called — the employment bureau, I think more properly designated as employment bureau. My own experience is that they are best conducted, so far as the ordinary occupations of life are concerned, by private enterprise rigidly supervised by the State. We cannot entirely eliminate the selfish motive that lies back of the proprietors of these exchanges. We cannot prevent them from making the most of their opportunities to gather money from the needs of employment of one group and the needs for employees of another group. But we do know that many of the necessary every day functions of life can be regulated and controlled by the State through intelligent, persistent, well-directed supervision.

So far as the maintenance of a State labor bureau is concerned of the employment bureau type, that is engaged in the direct work of obtaining jobs, I doubt whether that function can best be performed by the State. I think it is only fair to say that so far as my knowledge goes, that a State employment bureau, or that the possibilities of a State employment bureau or a State controlled employment bureau, had never been entirely developed. The one that was started by the State in this City never had an adequate financial support from the State. Of course, going hand in hand with inadequate financial support, I think was inadequate supervision, and with them a limited point of view to the possibilities of the State bureau. I was one of the Committee appointed by Labor Commissioner Sherman to make inquiry into the workings of the State Bureau in this City, and as the result of our investigation we come to the conclusion that the chief function it was then performing was that of an intelligence office for domestic servants — women. And we recommended unanimously that the Bureau be discontinued. My recollection is that the Commissioner obtained permission from the Legislature — I don't know that a bill was passed rescinding the creation of the Labor Bureau, but at any rate he did obtain authority to transfer that appropriation to the Factory Inspection Department. That at least is my recollection. It may not be accurate.

Now broadly this is my attitude toward the whole problem. We have talked loosely. We have talked I think unintelligently. I don't mean that in an invidious sense, but unintelligently, because we have not the common language of expression with regard to certain conditions, and because we have not classified the conditions that existed about the problem of unemployment. I, of course, from the point of view of my experience believe that a variety of instrumentalities must be created to deal with the so-called unemployed in all their many varieties. We have the efficient man unemployed because there is not work for him at the present. I think that type of man adjusts himself with reasonable quickness, particularly if he is a member of an organized trade, because the best employment bureaus that I know of or have had anything to do with are the organized trades. That type of man does not concern us. His trade is probably one of transient employment, and the rate of compensation is usually fixed with a view to giving him a reasonable living income for a year, even though he may work only 200 or 250 days. We have the most serious problem in obtaining employment for those who are essentially inefficient.

I mean by that that they have not been taught an occupation which is steady in its character. I have come in contact with many men who know only what is called clerical work. They have not been trained as bookkeepers, they have not been trained as accountants, they have not been trained as cashiers or cashiers' assistants. In other words, their early training has not equipped them for existence, and for obtaining employment in a community where employment is highly specialized.

Then there is the type of so-called handy man who usually has no capacity whatever. He cannot even attend to the furnace well. He does not know how to remove the ashes from the kitchen to the sidewalk without leaving a trail. He does not know how to clean a window and seemingly has not the capacity to learn how, and at any rate no one has the time or the inclination to teach him. Then there is the great group whose working capacity has been destroyed both through lack of proper training for a vocation, and whose earning capacity is weakened by some weakness of character that we usually find to be over-indulgence in stimulants, which has so fastened itself upon them as really to become a disease. That type of man is not an uneducated man. He is not a man who has been limited as to his early opportunities in life. He is usually a man who has had opportunities and who has not established himself, and who has reached an age where he can not unlearn the habits of the past, and he can not learn or develop a new form of earning capacity sufficient to maintain himself.

These are types of men whom we who have dealt with dependent families are constantly in contact with. And it is from that group that the need for the custodial institution which Doctor Lewis spoke of this morning has grown — an institution where there can be control, so that the desire for drink will be controlled, or at least minimized, and where some form of earning capacity can be developed, at any rate to such an extent as to enable the individual to go back in society and establish for himself a place where he can maintain himself independently without outside assistance.

By Commissioner SEAGER:

Q. You have in mind sending inebriates to such a colony? I did not take that to be Doctor Lewis' idea. A. No. When the inebriate becomes so great that it is an absolute great physical and mental disability, he needs absolute treatment as well as supervision; needs another type of institution. And it was that idea that I had in mind when I said, in order to deal with the unemployment instantly, we must develop a whole chain of instrumentalities, to deal with the individual and with the conditions that exist. I think that is all I have to say. Of course, my experience has been of two kinds. First, contact with those who have become dependent both by lack of work and through no fault of their own, and those who have lost work because of weakness of character. The Cooper Union Labor Bureau, while perhaps it had not all the resources that one ought to have to test an experiment thoroughly, yet it did have a fair, very fair, test, and I believe it was a failure as a permanent established method of dealing with unemployment.

Commissioner SEAGER.— Have any of the Commissioners any questions they would like to ask Doctor Tucker before he escapes us? We thank you very much, Doctor Tucker. The representative of the Department of Agriculture, who was to follow Doctor Tucker on the program, has stepped out, I take it for a moment only. Is there anyone else present who was to address us this afternoon?

CHARLES W. LARMON.

By Assemblyman VOSS:

Q. Will you please state your qualifications and whom you represent, for the purposes of the record? A. I am chief of the Bureau of Agricultural Labor in the State Department of Agriculture. I work along general agricultural lines, and that is the principal work, and that means, Mr. Chairman, that I am a farmer. Eloquence is not one of the crops that we usually cultivate on the farms up-State, but sitting in the chimney corner by a blazing log, with a bag of popcorn, a few pounds of sweets and a mug of cider at hand is an opportunity that gives one to revery, a little thought and study to these questions. I suggested some of these thoughts to Governor Higgins four or five years ago. The Governor and the Legislature being in a receptive mood, passed a bill authorizing the Commissioner of Agriculture to institute in his department a bureau of information and statistics to take up the question of the decreasing prices of our farm lands in New York State and the lack of labor, which probably is one of the great causes of that depreciation. Leading up to that, the ideas and thoughts that came into my mind were, first, perhaps that great decrease, which if the statistics furnished by the Census Bureau are to be relied upon, was a decrease of about seven and a half millions per year in the value of the lands in New York State, second, of a great lack of labor; that the great numbers of immigrants coming to this

country would be available to occupy the places which had been left by the boys and girls raised upon those farms in this State, who were by reason of the exertions made by Western States, railroads, land companies and the Canadian Government, going into the wilderness of the West, leaving these golden opportunities. It occurred to me that something ought to be done. I have been struggling along with that for four years and a half on a little appropriation of a few thousand dollars, and the work has been harder perhaps to keep within the appropriation, than the other part of it to accomplish anything.

I called attention frequently to the fact that the great business depressions to which we are incident at stated periods would recur, and that no effort was being made by the State or the Nation to distribute its people to an environment where they could become self-sustaining, self-respecting people. It seemed to me that something ought to be done by the State to direct those people, that instead of the property of the State depreciating \$7,500,000 a year, that it ought to be appreciating something like the Western States, Iowa for instance. Of course, Iowa has the advantage that it has new lands, but there was a demand for that land. It was advertised. People were going there because they were encouraged to go there. Europe was flooded with circulars calling attention to the unequalled opportunities in that section, and the result was that while we went down \$168,000,000 in ten years, Iowa increased \$1,100,000,000, Minnesota, Kansas and Nebraska about the same.

There has been a great deal of talk about abandoned farms and unoccupied farms in the State. It seems to me wholly unnecessary that such a condition should exist. We are producing \$245,000,000 worth of crops in the State. The enhanced price in the last few years, which has so increased the cost of living, has increased that probably to over \$400,000,000 a year. The cost of living in ten years advanced probably 50 per cent., and in the last year the record is 11 per cent. Wages have not increased in proportion, and as I in my work have visited various sections of this City, the situation is to my notion appalling and growing worse. I don't know, or at least I have not thought out the question seriously, of what to do with the unemployed, who are unemployed because they don't want employment. But I have thought out the question of what we can do to direct the steps of those who are coming to us, who have been encouraged to come to us and who will continue to come to us, until laws are passed preventing an unnecessary number coming, to congest the labor market and keep the workingman down to perhaps a worse condition than he is at present. If the cost of living has increased, the cost of labor must increase or else hardship ensues.

Now to be brief, I have thought of several ideas, and I discussed them with the Commission of Immigration of which I was a member last winter, and one result of that Commission was the proposition to establish a bureau of-immigration and industries in this State. To carry out that work to its logical conclusion would mean the establishment of such a bureau broad enough in its scope to embrace the needs of every employer of labor in the State of New York and to keep the record of possibly every laborer who wanted a job.

By Assemblyman Voss:

Q. Would that mean practically a free public employment bureau? A. Yes, it would be a free public employment bureau. It would be free in so far as the State would necessarily make an appropriation for it to carry on its work, but would have an income as proposed by that bill in the form of a license upon the employment agencies of the cities.

Q. Taking the place of the employment agencies of the cities? A. No. I would allow them to go on just as they are, but controlling, regulating them, and seeing that they were run on a fair and square basis, they to report to this Central Bureau frequently with all the names of the men for whom they have found employment, in order to prevent peonage, and sending such men in a place where the environment was not good. They would be licensed. I have forgotten just how that provision was. There was a nominal fee of \$50 for each one. There are 750 in the City and perhaps nearly 1,000 in the State, which would bring in a lot of money.

The different divisions of the Public Labor Bureau could be located, for instance — in ten divisions of the State — the main office in New York, one in Albany, perhaps one in Watertown, one in Utica, and one in Syracuse, in Binghamton, Elmira, Buffalo and Rochester. In that way the wants of the labor market could be easily supplied, and if there was a surplus of labor in any one district it could be easily sent to another, and the manufacturers and agriculture could be brought up to their highest efficiency by furnishing an adequate supply of labor.

This Bill provides an investigation, as you remember, along the lines of the welfare and industrial opportunities of aliens. Not to let the alien when he arrives here drift

into an occupation which would throw some other men out of employment, but place him out in another field of endeavor. Sixty or seventy-five per cent. of the immigrants coming understand something of agriculture in their own countries. There is wonderful need of increased agricultural production in this country and it is going to continue. The prices here, price of meat, price of ninety odd different articles, largely of agricultural productions, are almost luxuries.

Now, in order to further meet that requirement I would establish, not a penal agricultural colony, but I would establish farm homes, placed in the hands of competent foreigners who have been in this country long enough to understand English and to understand the methods of cultivation of our soil and crops, and to them send the young foreigners or any other man who came with a good reputation and let them be taught something of the methods and a little of the language, so that when a man is employed, say by a neighbor in that vicinity, he would know how to be of use to him at once, and assist in increased production. And further, when out of employment he would have a home in which to go instead of drifting back to the city and further congesting the ranks of the unemployed. He would have some one that was interested in him. If he was sick he would have a place to go. Farmers could go there and get their help, both domestic and out of doors. And then further, in that vicinity you would find soon many families. You would have a circle there that would form a social circle in itself to which friends from the old country would go and escape the snares and wiles of the City.

Now, those ideas could be carried out, I think, without any great expense, if a sufficient appropriation was made by the Legislature. And I believe then that united labor organizations can do a wonderful amount of good in that, and help their own members at the same time through institutions which could relieve largely the necessities of the unemployed. Then the other people, who will not work, can be turned over to the tender mercies of some institution that would compel them to work. Cut out the drones. Why, up in our State I took Secretary Wilson, Chief Whitney, of the Bureau of Soils, Mr. Powderly, and we went for a five days' trip. Secretary Wilson was astounded at the low price of lands in this State as compared with any other section of the country. He says, here is the opportunity for anyone who wants to start in agriculture, with good main roads, lots of good roads to draw their produce to market, lots of railroads everywhere, and good land. Professor Whitney said: "I know from actual tests in passing through, that this land is not exhausted, it is all right; and in the hands of a foreigner who has learned intensive cultivation in years past, it would produce three or four times the amount now produced." Mr. Powderly said: "I have seen room in five days for a million good people of Europe who are infesting our cities."

Commissioner MITCHELL.—If the soil is not exhausted why are large numbers leaving the United States and going to Canada? A. They are running there, always looking for something free, and they are coming back. Commissioner Clarke sent me a list the other day showing that in five months nearly 7,000 who had proved up their homesteads, and who had to remain there five years, are now coming back.

By Commissioner MITCHELL:

Q. How many of these immigrants that went on the farm, farm hands, were farmers?

A. Why, it is difficult to tell. There are so many different agencies at work in that line. We got a good many from the Federal Bureau at 17 Pearl Street and we got them from other agencies. Thousands come in who at a glance one can tell are no use to send out. Farmers don't want them, because they know nothing of agriculture and don't want to learn. They simply want to get out and get a ride.

Q. Do you think these small farmers of Continental Europe can do the work on the ordinary farms? We are machine farmers, they are not. A. I know they are to a great extent, but they will very soon learn. I know what the conditions were when the great Irish immigration was coming into the country. There was no direction whatever or State control. Those who landed at New York took their packs on their shoulders and went up the State and went to work for somebody. Along in the seventies that continued. They settled down, brought over a family, worked a piece of land on shares. That is something they have to get down to now. It is more of a tenantry class now. You find only rare instances where the family settled in a tenement house and worked. They solved the labor question in those days.

Q. Isn't it a practical objection to the European farm laborer that he does not speak English? A. Certainly. Nine out of ten farmers who send orders to the Department ask that the men be able to speak some English. But that is the point that I am trying to obviate by establishing these farm homes to which these people can be sent and educated and taught the English for horses and wagon and harness and plow, and so on, and taught

some of the rudiments of farming, so they will be of use to the employer when the farmer employs them.

MISS EASTMAN.— Would they earn their keep while they are there?

THE WITNESS.— Certainly.

Q. How would you sell the produce for them? A. The farmer who is in charge of the farm, who may own it, you can make an arrangement with him. Let him charge them a nominal sum for board, and he can teach them how to work.

Q. Would you have that farmer have an arrangement with the State? A. Have the State assist him in doing this, and have him act as an agency for labor practically in that section, and to take care of that laborer, until the farmers needed him. Then the laborer would have a home; he would learn quickly what was to be done on the farms, how to plow, how to milk, how to trim up the trees and a thousand different things that would be useful to him throughout his life. It would be an education to him, and yet the farmer would have the proceeds of that farm.

Commissioner MITCHELL.— If you get German immigrants, that would be better. A. Well, put a Polish farmer on the next farm, in the next township a Scandinavian. You can get them there scattered through the country.

By Assemblyman Voss:

Q. If our farm lands have to be developed again, it is your opinion that they must be developed by foreign labor? A. Not necessarily. Our colleges are teaching farm labor. The trip I took with Secretary Wilson and his friends, we visited in Tompkins County a farm adjoining one of 132 acres that sold last spring for \$150—practically an abandoned farm, although somebody owned it. We saw 320 bushels of potatoes dug without fertilizer, because the owner of that farm had followed the instructions of the instructor of agriculture in the handling of land. We saw a field of corn illustrated in the same way. He got some good seed that would mature at that elevation—2,000 feet—got the farmer to plow deep, cultivate his soil, pulverize it, and he had a good crop of corn on land that you can buy to-day for five dollars an acre. And there was potatoes, of 320 bushels an acre. But these foreigners know how to do that.

Q. Do you believe that Mr. Earl in his statement that the foreign laborer who is sent to the farm is better physically able to work than the native, was correct? A. Well, I think possibly on general principles that that is true.

Q. Have you found that so in the labor that you sent up the State? A. The labor that we send up State is largely foreign. There is one fault now—a great fault. A man goes up the State, a perfectly good and satisfactory man, who works eight months, then he goes back to the City and is sent out again, and that round goes right on. He will come back and spend three or four months in the city, spend his salary, wages, and go out again. If there were some place in the country where he could find companionship, he would stay, and just as soon as the people found he was a good man and determined to stay in the country he would find employment the year round. I think the whole situation can be very much improved in that way by preventing as far as possible any new recruits to the unemployed by finding places for them.

Then another thing, shut off this great horde of people coming in here whose services are not needed. Regulate that some way to the wants of the country. I had some little experience at Ellis Island in watching things there for a good many months at intervals, and it seemed to me there was too great a freedom of admission. I know the Commissioner had a soft spot in his heart for anybody that came to this country, and the gates of Castle Garden, as it used to be called, swung inward, and they were all allowed to come in and were welcomed. I am glad to note that there is a little different spirit over there at present, and I am greatly in hopes that it will relieve the numbers of the unemployed in the future.

HARRY W. HOOT.

I have been the secretary for seven years of the Bowery Branch of the Young Men's Christian Association of New York, and for three years in charge of the work of the Young Men's Christian Association at Ellis Island, for aliens. Mr. Chairman, I have been interested in this subject of unemployment for several years, and the work which I am engaged in has brought the thing very conspicuously to my notice in dealing with men who are not, as Mr. Earl said this morning, those that are physically unable to work, but nevertheless down and out, without any visible means of support. Something like 10,000 men a year are interviewed in our office, and owing to our limited capacity we are able to provide only for a few in the building, where we provide meals, lodging, clothing, etc., everything to enable a man to become as quickly as possible self-supporting.

I take exceptions, however, to what Mr. Earl said this morning about inquiring into the man's pedigree, because we know really more about the man's pedigree than he does. It is usual in our work to inquire who a man is, what he has done and what he will do. What he has done is incidental, but what he wants to do is of paramount importance. Most of these men are from outside of New York city, from up-State and all the cities and towns in this State and other States as well, and about 25 per cent. from Europe, representing something like thirty nationalities. These men are, 75 per cent. of them, under twenty-five years of age. More than 60 per cent. of them are single and 50 per cent. of them represent skilled labor. Some 300 different occupations are classified in our list every year. Not any considerable number, however, are what we recognize as union men, that is, that now belong to the union themselves. We attempt to get them employment, and our policy is to adjust the thing by putting them in the line of work which they are best adapted for mentally and physically as well as industrially. Therefore, it is necessary for us to hold a man, as we call it, by providing him lodging and meals and clothing, whatever may be necessary to keep up his appearance, particularly encouragement, sympathy, and a whole lot of good sound horse sense, competent to hold him longer than we otherwise might do or would want to do until we can get him that for which he is best adapted.

Instead of doing what is done so frequently and I think in too many cases, providing a temporary job and let him shift for himself, our policy is, so far as possible, to put him where he belongs and not say good bye to him, but hold out that encouragement which will enable him to readjust himself so much as is necessary in order to become quickly self-supporting.

By Assemblyman Voss:

Q. Many of these men you have found employment for, have you sent them on the farms? A. Very few of them. We have the greatest difficulty getting men to go on the farms. It is not a question of transportation but a question of ability and aptitude. We find that but few of these men care to go on a farm, they don't know how to work on a farm, and it is a question, with a man twenty-five years of age, of starting all over. It is not an easy matter. I have learned from the interesting discussion this morning that which tends to confirm my already well formed convictions about it, that we are passing through a period of great transition. It is not so much what we want to do as what has to be done in the readjustment of things. We are in a complicated state both in this country and Europe. Conditions are decidedly different from what they were three or four decades ago. The old stable status that used to obtain in our early days, in the days of our fathers, is now a thing of the past, and we are now passing through a very serious crisis in our experience, in my judgment. It is not local to this country, however, because the same conditions prevail in Europe. A careful survey of the entire field would disclose that men are arbitrarily being thrown out of work in a great many cases without any consent on their part. In our experience with the Bowery Branch, the statistics will show that a large proportion of the men whom we are trying to help to help themselves, are thrown out of work from various causes, due to conditions of trade, and the changing character of industry, improving of machinery and other causes, such as have been mentioned already.

Most of these men I speak of, I refer to our own work with which I am more familiar, most of these men already employed for a period of six months before they come to New York. About 80 or 90 per cent. of them have been in New York the rest of the week when they come to us. Their limited amount of money is soon used up and they are obliged to ask for charity. There are many of these men that have recommendations which are sent to us. We have them on file, some of exceptionally good character. We thoroughly investigate so far as we can every man, both his moral character, his ability and his experience, and the references we receive justify us in believing that men are not discharged because they are incompetent.

It is not an easy matter in our great city to secure employment for a man that has been working for a number of years for one corporation or firm and thrown out, either because of business depression or other causes. One of the difficulties we have in getting men work in this city is that altogether too frequently we can not secure from their previous employers proper credentials or references. We are constantly confronted with the fact, that employers, large employers, who have thousands of men in their employ, either refuse or neglect altogether to give us any references, without which it is practically impossible to get a man a place in a permanent position.

By Assemblyman Voss:

Q. What proportion of these men are married and have families? Do you keep a record of that? A. Yes, we have that.

Q. What is the proportion? A. Well, 75 per cent. are single men — from 60 to 75 percent. So far as we can, we try to send a man home, if possible. That is the best thing to do. We use our best judgment as to what to do with him.

Q. Have you any suggestion to offer as to a remedy? A. I have two which I have been thinking over for a number of years and trying to develop them in my own mind, and trying to secure corroborative evidence from others, in regard to literature and work. It is a rather complex problem and involves so many other things than work, that it is not so easy of solution as might be thought on first examination of the subject. My first contention is that the State owes it to its laboring men to provide them with the least possible expense and quickest and best means of communication with the employer, wherever it may be in the Commonwealth, and I am heartily in favor and thoroughly recommend the inauguration of a policy, I think mentioned two or three times here today, of the organization of a labor exchange, something after the order of the National Employment Exchange, recently organized by Mr. Schiff. They now have two offices, and their purpose is to secure employment anywhere in the country. And I understand, also, to send men there without any expense to them, protecting themselves, of course, so far as they may be able to. I do not think it is the function of the State to impose on a workingman the burden of securing outside of his own community employment, entailing expense, difficulties of various kinds and frequently separation from his family, with the hope that he can secure work in some other city or town, which altogether becomes too frequently his becoming habituated to the road. We talk a great deal about men becoming tramps and hoboes. In my experience over a great many years, and particularly in my connection with the Bowery Branch, with which I have been connected for ten years and the active secretary for seven, I will give it as my unqualified opinion that a great many of these men are becoming encouraged in becoming disciples of the road because of their earnest efforts to find employment, and continually seeking it from one town to another. I have very many cases which I could cite of men, intelligent, capable fellows, who have become virtually tramps because of their continued search for work, and trying to readapt or readjust themselves to changed conditions. And I therefore think it is entirely wrong for the State to impose that burden on the man, when the State can more adequately and thoroughly and more successfully render the service by putting in his reach information, facilities which will enable him quickly to adjust himself to the conditions in which he finds himself. And I therefore heartily advocate the enactment of such a law.

Second, I am just as heartily in favor, and can not speak too strongly in favor of a scheme which will provide for custodial care of those who have not the disposition to work. When we realize what it means for this Commonwealth, and this Nation of ours, to support an already increasing number of men and women who are living without any effort on their part but that which is bad, it is high time that we take such steps, and make it as severe as the conditions make it necessary, to compel them to work to support themselves at least. I can cite cases by the score right in this town where men are making more than ten dollars a day by their wits, which is about as much I can make with what intelligence I have, in my present capacity at least, and that means fifteen or sixteen hours a day work at that.

Mr. MITCHELL.—That is, beggars? A. Professional panhandlers and so on. Some one spoke of the amount of money taken back to Europe by returning immigrants. My observation is that those who go back for a temporary period, but come back here and stay here. But the amount of money, in my judgment, and I have followed it very closely the amount of money taken to Europe by returning immigrants is a very insignificant sum compared with the amount which is gotten by these means of which I have spoken by our altogether too gullible public who hand out money. And I could give you the name of a most distinguished man who handed out to a man whose name I have at this moment, ten dollars at a time. But this matter of tramps, vagrancy, some one said that it was not germane to the subject of unemployment. I think it is one of the most fundamental things in the whole business. When we realize that the development of tramp life in this country is costing the railroads say \$25,000,000 annually in depredations and other crimes of a petty character, and of a general loss to the railroad world, lives destroyed, men killed accidents of various kinds, men deprived of earning a living, it becomes an enormous thing, and it is largely because of disastrous neglect in looking after these young men who have easily been led in that life and will not so easily be taken from it, without most serious effort on our part, and doubtless the expenditure of a great deal of money and perhaps a great deal of time. And I therefore strongly advocate perhaps with some radical changes in that bill presented by Doctor Lewis this morning, the organization or development of that plan for a farm or colony, which means custody different from what would be a penal institution, but the colonizing of these men who are infesting our community in large numbers,

and women too, who are making a living without working and I believe that the State of New York could do no better service than to apprehend every man or woman who could not give an intelligent account of himself, and by showing the proper credentials prove that they were entitled to the consideration of the State, and put them where they can be kept under supervision; but that kind of supervision only which has as its ultimate object the restoration of these people to industrial and economic self-respect.

Commissioner MITCHELL.— Do you believe that there is work to do and jobs for the workingmen in the United States? A. Do you mean to say anywhere in the United States?

Q. Yes. A. I think so.

Q. Take the whole of the United States, all the people in it. A. Yes sir.

Q. That there are jobs for them all? A. I think so. My experience is, which is confirmed by the correspondence I have and the evidence submitted here to-day by other gentlemen, that the call is so great from other sections of the country for men that we can not supply them, the kind of men they want. But I do believe that there is sufficient work in this country for every man who wants to work anywhere, if we can get him where the work is. We are trying to send men out to any place where we feel it proper to do it. We would just as leave pay a man's transportation as any other charge. It is no more difficult to do that than to board and lodge him two or three days. I paid a man's way to Bridgeport, Conn. the other day, and he got a job with an automobile company as a mechanic. To keep that man away from that job would be a hardship to him, and all it cost us was the railroad fare.

Q. Is it a part of your method when application is made for a laborer to ascertain the conditions under which he is going to labor? A. Decidedly.

Q. Do you make any inquiry as to whether or not he is to take another man's job? A. So far as we can, we want to know all about it.

Q. Do you make any independent inquiry outside of the proposed employer? A. If it is within our reach, we do, so far as we can, with our limited resources.

Q. Will you describe, the process by which you do sometimes make inquiry of the independent sources as to whether there is a job, a vacancy for a man you send on the application of an employer? A. We had a call the other day from a gentleman who would not tell who he was or where he came from, except he wanted men to go to work as conductors and brakemen in New England. I said to him, "people don't ask for conductors and brakemen, they make them." 'And for a man to ask for conductors and brakemen suggests several things.'" And the gentleman would not disclose anything further. He wanted these men and would pay their fare and take them along with him. My investigation disclosed that it was the extension of a line where they wanted additional men, and wanted experienced men. It was not a strike. Without this knowledge I would not agree to send any men to him at all, because some of our men often on their own initiative go out to distant places and often have their heads broke. I never give my consent for a man to go out if I don't know where he is going, and if we can, we give him a card to our local secretary so he can be looked after there the same as we are doing here.

APPENDIX XII.

LETTER OF SENATOR FRANK C. PLATT, CHAIRMAN OF COMMITTEE ON LACK OF FARM LABOR.

Hon. J. M. WAINWRIGHT, *Chairman of the Commission on Employers' Liability, Causes and Prevention of Industrial Accidents, Etc.:*

The causes for this scarcity of labor on farms are many. The fundamental cause dates back to the time when the Federal Government adopted the policy of giving away the public lands. This we will speak of later. The apparent causes to-day are, first: the dislike of the ordinary unskilled workman (but more especially of the workman's family) for the drudgery and lonesomeness of farm life. In connection with this class of workmen, we desire to state that neither the workman nor his family realize what a change has taken place on the farms within the past few years. Hours of work have decreased at least 20 per cent. while wages have increased 50 per cent. The farmers pay as high wages to this class of unskilled workmen, considering the necessary cost of living in the country, as is paid in other employments. Nearly every farm has a telephone, a rural free delivery, and in many sections there are improved highways, which make life on the farm more endurable than it formerly was.

The second cause is the inability of the farmer to pay as large wages as those paid skilled workmen in other employments. Until the late seventies farming in the Eastern States was prosperous and wages paid by farmers were as high as those paid in other employments. There was little difficulty in securing a high class of help on farms. About that period Eastern farmers began to feel the competition of the West with its millions upon millions of acres of practically free land being brought under cultivation, land which was more productive and easier to till than the Eastern farms. Production of food products for a time increased so much more rapidly than consumption, that the prices of such products were forced to a level even below the cost of their production. During this period, 1880-1897, our exportable surplus of many farm products was so large as to fix the price of these products practically at the world's price, while other farm products not exportable were forced upon the home market in larger quantities than they could be consumed. It is, of course, not within our province to criticise the Federal Government for its policy in giving away the public lands, nor do we wish to be understood as asserting that the policy adopted was not a wise one so far as the whole people were concerned. We do say, however, without fear of contradiction, that the policy which permitted such a rapid increase in production reduced the farmers of the East to a starvation plane from which they are only just recovering.

As a result of this over-production, farm lands in the Eastern States rapidly depreciated in value, the depreciation during this period reaching into the hundreds of millions. Farms in every locality were abandoned and farmers were obliged to reduce wages, work longer hours, and to economize in every way, in order that they might provide the necessities of life for their families. The best class of farm laborers left the farms for the shops and factories. The less thrifty laborers remained on the farms. The sons of farmers were obliged to work from early in the morning until late at night. Is it strange that, under these conditions, they should have preferred the more attractive life in villages or cities at good wages rather than to eke out a mere existence on the farm, or is it strange that the sons of farm laborers working from fourteen to eighteen hours a day at small wages, should prefer to seek employment in the factories and shops rather than to become farm laborers? The boys of this period are men now, many of them unskilled workmen, receiving less wages than those paid by farmers at the present time to the same class of workmen. Yet their early experiences on the farm were so filled with hardships, that they can not be induced to return to the country. There was an exodus from the farms to the cities during this period, 1880-1897. Cities grew rapidly while the agricultural population decreased. The result was a lessening of agricultural production in proportion to the population, and therefore, an increase in the value of farm products. In consequence of this increase in prices, the farmer has been enabled to pay better wages to his laborers, to shorten his hours of work, to give his children better education, to procure better teams and better machinery, and generally to improve the condition of his farm. He has reached the point where he attains a personal equality with the other producing classes in the United States.

For the past few years, the cry has been "Back to the farm." At the present time it is "Cheaper food products." There is nothing unreasonable about this demand for cheaper food products in so far as the consumer is concerned, but the farmer has been receiving only a moderate price for his products, and middlemen and the transportation companies have been getting the larger slice of the profits. Anything done to lower the price of farming products in so far as it affects the price to the farmer, will have a strong tendency to interfere with the "back to the farm" movement.

The production of farming products cannot be increased to any considerable extent in New York State until farmers are enabled to secure more laborers of a better class. With that end in view and with the understanding that the Committee on Unemployment intends to recommend the establishment of a series of eight or more labor bureaus under the supervision of the Commissioner of Labor, we recommend that in the establishment of these bureaus, a general advisory committee composed of the Commissioner of Agriculture, the Master of the State Grange, and three other gentlemen named by them, shall advise and assist the Commissioner of Labor in the establishment of a department for farm labor under each of the different bureaus. We expect and have every reason to believe that when these labor bureaus have been established much will have been done to remedy the scarcity of farm labor complained of.

However, neither this nor anything else will avail to bring relief to the farmer unless he shall receive a fair compensation for his products, and thus be enabled to pay better wages, to educate his children properly, and to live as other men live. Boys will not remain on the farms if they can only hope to eke out a mere existence. Every dollar spent to encourage agriculture will be lost unless agriculture is permitted to prosper.

All of which is respectfully submitted,

FRANK C. PLATT,
Chairman Committee on Lack of Farm Labor.

APPENDIX XIII.

FORMS OF INQUIRY SENT OUT BY THE COMMISSION TO GRANGES AND
AGRICULTURAL SOCIETIES.

METROPOLITAN LIFE BUILDING,

NEW YORK, *October 18, 1909.*

DEAR SIR.—As chairman of sub-committee of the State Commission which is investigating several subjects, including the lack of farm labor, we respectfully ask your aid in giving all the information which you can obtain as suggested by the accompanying questions.

May I suggest that this subject be discussed in the meeting of the Grange of which you are Master?

It is well known that agriculture in New York State has suffered severely at times owing to unsatisfactory labor conditions and it is the purpose of this Commission to make a careful study of this whole subject with a view to reporting to the Legislature conclusions based upon the best opinions of practical men and experts regarding causes and remedies.

Your assistance will be greatly appreciated and I hope you will send your reply not later than November 10th. A stamped and addressed envelope is enclosed for your use.

Yours truly,

F. C. PLATT,

Chairman.

Vol. III.—26

1. What is the principal kind of farm work in your vicinity?.....
 2. Do the farmers in your vicinity as a rule employ help outside the family?.....
 3. Is there any difficulty in obtaining the needed outside help?.....
 4. During what months is this difficulty greatest?.....
 5. Is it difficult to get farm hands by the year?.....
 6. Would you advise a married man with a family and without capital to come to your vicinity and settle?.....
 7. Would he be sure of work the year round?.....
 8. Would you advise a single man to come to your vicinity and settle?.....
 9. Could he get work the year round?.....
 10. Can land be obtained to work on shares?.....
 11. How many more men are needed in your vicinity to harvest the crops this season?.....
 12. If these men should come into your vicinity, for how many weeks could they be sure of employment?.....
 13. Are more men needed this year than usual?.....
 14. Where does the outside help employed by the farmers in your vicinity for harvest season come from?.....
 15. Are they steady and reliable workers?.....
 16. Of what nationality are most of the workmen on the farms in your vicinity?.....
 17. If you have had experience with foreign help what nationality do you prefer as being most efficient?.....
 18. Do your employees generally remain for the full period for which they are hired?.....
 19. What are the wages usually paid in your locality
 - (a) to workmen employed by the year
 1. With board?.....
 2. Without board?.....
 - (b) to workmen employed by the day or week in ordinary times.
 1. With board?.....
 2. Without board?.....
 - (c) to workmen employed at harvest season
 1. With board?.....
 2. Without board?.....
 20. How many hours does the ordinary farm hand put in, exclusive of chores?.....
 21. Is there a scarcity of women and girls for domestic services?.....
For farm work?.....
 22. What wages are paid for such help.....
 - (a) with board?.....
 - (b) without board?.....
 23. If the labor situation in your vicinity is unsatisfactory what do you think is the cause?.....
 24. What remedy would you suggest?.....
- County..... Town..... Sign here.....

APPENDIX XIV.

DIGEST AND TABULATION OF REPLIES RECEIVED BY THE COMMISSION
IN RESPONSE TO INQUIRIES SENT TO GRANGES AND AGRICULTURAL
SOCIETIES.

BRIEF SUMMARY OF FARM CONDITIONS AS THEY APPEAR FROM THE DATA COLLECTED.

Principal crops and industries.—Dairying, grain, fruit, potatoes, trucking, hay, stock-raising, hops, tobacco, poultry.

Demand for labor.—95 per cent. of the farmers reported that outside help was employed, or would be employed, if available.

Scarcity of labor.—82 per cent. of the letters stated that there was difficulty at some time of the year in securing the needed labor. This difficulty is greatest in the harvest season, June to October inclusive, although there is considerable difficulty from April to November inclusive. From December to March there is practically no difficulty in securing outside help. There appears to be almost universal dissatisfaction with the quality of labor available.

Land to work on shares.—92 per cent. of the farmers report that land in their communities may be had to work on shares.

Hours of labor.—The average length of working day *exclusive* of time spent in doing chores, is 9½ hours.

Wages.—Average wage when *employed by the year*: with board, \$266.21 per year; without board, \$374.81 per year. Average wage when *employed by the day or week*: with board, \$1.26 per day; without board, \$1.65 per day. Average *harvest wages*: with board: \$1.74 per day; without board, \$2.07 per day.

Causes of unsatisfactory labor situation.—Chief among the causes advanced by the farmer are: (a) low wages, caused by unfair prices paid for farm products; (b) unsteady employment; (c) long hours; (d) hardship and monotony of farm life and work; (d) lack of social life; (e) unsystematic and uneconomical farm methods; (f) intemperance (causing labor to be unsteady).

Remedies suggested.—Chief among the remedies suggested by the farmers are the following: (a) eliminate the excessive profits of middlemen dealing in farm produce; (b) plan farm work so that steady employment may be offered; (c) decrease the length of the working day; (d) introduce more efficient methods of farming; (e) provide more and better accommodations for workmen with families; (f) teach the advantages of farming and of country life; (g) provide a better system of agricultural education, especially in the common schools; (h) encourage the better class of immigrants, especially those skilled in farm work, to settle on the farms; (i) prohibit the sale of alcoholic drinks.

PRINCIPAL FARM CROPS.

Question 1 was: "What is the principal kind of farm work in your vicinity?"

Practically all took "kind of farm work" to mean kind of crops or industries. Of the various crops and industries reported as being the principal ones:

Dairying was reported by.....	338
Grain was reported by.....	99
Fruit was reported by.....	88
Potatoes was reported by.....	64
Trucking was reported by.....	59
Hay was reported by.....	55
Stock-raising was reported by.....	15
Hops was reported by.....	14
Tobacco was reported by.....	5
Poultry was reported by.....	4

141 reported that crops were mixed or general.

DEMAND FOR AND SCARCITY OF FARM LABOR.

Question 2 was: "Do the farmers in your vicinity as a rule employ help outside the family?"

To this, 442 replied "Yes;" 25 replied "No;" 81 replied that such help was employed to some extent. Many qualified their "Yes" by saying that outside help would be employed if available, but that it was not available. From the answers to this question it appears that in almost every community outside help is employed to a greater or less extent, more than 95 per cent. so reporting.

Question 3 was: "Is there any difficulty in obtaining the needed outside help?"

To this, 444 or 82.1 per cent. replied "Yes;" 97 or 17.9 per cent. replied "No."

A very large number replied that help of poor quality could be employed but that good reliable help could not be.

From these figures it appears that there is a general scarcity of farm labor, especially of the better grade.

MONTHS OF GREATEST SCARCITY.

Question 4 was: "During what months is this difficulty (in obtaining needed outside help) greatest?"

Of the months reported as being those in which this difficulty was *great* or *greatest*:

July was reported by	427
August was reported by	392
June was reported by	287
September was reported by	279
October was reported by	262
May was reported by	198
April was reported by	167
November was reported by	153
March was reported by	84
December was reported by	56
February was reported by	28
January was reported by	28

As was to be expected, these replies show that the greatest scarcity of labor is during the harvest season, June to October inclusive, this scarcity being especially great during July and August. The figures show, also, that there is considerable scarcity during all the crop season, April to November, inclusive. During the months of December, January, February and March, there appears to be practically no difficulty in securing the needed labor, most of those reporting those months either reporting that labor was scarce all the year (probably an inaccurate statement), which, of course, included those months, or else that the scarcity began with some one of those months. This would indicate that employment on the farm is quite unsteady. Of course the seasonal nature of a large part of farm work necessarily makes the demand for labor more or less fluctuating.

DIFFICULTY IN SECURING HANDS BY THE YEAR.

Question 5 was: "Is it difficult to get farm hands by the year?"

To this, 357 or 73.8 per cent. replied "Yes;" 127 or 26.2 per cent. replied "No."

Comparing these percentages with those answering "Yes" and "No" to the question as to whether there was generally any difficulty in obtaining the needed outside help, we have a further indication that employment on the farm is unsteady. For, while 82.1 per cent. replied that generally there was difficulty in securing the needed labor, only 73.8 per cent. reported that it was difficult to employ hands by the year. Even a less percentage than 73.8 per cent. would have reported that hands of the usual kind employed were difficult to get by the year. Many reported, also, that workmen were not usually employed by the year. In addition, many farmers stated that in their opinion unsteady employment was one of the causes for the unsatisfactory labor situation as it caused the best labor to seek more steady employment elsewhere.

OPPORTUNITY ON FARMS FOR EMPLOYMENT.

Question No. 6 was: "Would you advise a *married* man with a family and without capital to come to your vicinity and settle?" Question No. 7 was: "Would he be sure of work the year round?"

Question No. 8 was: "Would you advise a *single* man to come to your vicinity and settle?" Question No. 9: "Could he get work the year around?"

From the answers to these questions it appears that: 381, out of a total of 526 localities reported on, or 72.4 per cent., offer good opportunities to men with families; 145, out of the 526, or 27.6 per cent., offer no or but poor opportunities to men with families. Of the 496 localities reported on as to opportunities for single men, 398, or 80.2 per cent., offer good opportunities; 98, or 19.8 per cent., offer no or but poor opportunities.

The reason that there are more opportunities for single than for married men probably is that many farmers have not cottages for men with families, while a single man can be furnished with room and board at the house of his employer.

It should be noted that those who reported opportunities usually did so from the fact that employment could be secured. They rarely weighed the chances of more remunerative employment elsewhere. So the chief thing shown by these replies is that employment may be secured in a large percentage of localities, not necessarily that they offer *good* opportunities for earning a livelihood.

LAND TO WORK ON SHARES.

Question No. 10 was: "Can land be obtained to work on shares?"

To this, 493, or 92 per cent., replied "Yes;" 43, or 8 per cent., replied "No."

Sixty-three of those answering "Yes" qualified this by saying that only a limited amount of land was available for renting on shares. Many stated that a great amount was available.

HARVEST LABOR.

DEMAND FOR 1909.

The replies to questions 11 and 12, which inquired as to the number of additional harvest laborers needed in the different localities for the season of 1909 and the length of time for which they could secure employment, were so few and so vague as to be practically valueless. A few of these, however, may be of interest.

Two letters stated that 50 per cent. more harvest laborers were needed.

Five stated that 100 more were needed.

One stated that 200 more were needed.

One stated that 300 more were needed.

Two stated that 1,000 more were needed.

One stated that 2,000 more were needed.

Question 13 was: "Are more needed this year than usual?"

To this, forty-two replied "Yes;" 415 replied "No."

Thirty-one replied that fewer men than usual were needed. If the question had been worded differently, a much larger number would have replied that fewer men than usual were needed in their localities, as a large number who answered "No" stated that crops were short this year (1909).

SOURCES OF HARVEST LABOR.

Question 14 was: "Where does the outside help employed by the farmers in your vicinity for harvest season come from?"

Of the various sources reported:

"Local" was reported by.....	164
Cities were reported by.....	114
Villages were reported by.....	72
"Floating" or "Vagrants" were reported by.....	55
Pennsylvania was reported by.....	20
Canada was reported by.....	15
Employment agencies were reported by.....	14
Shops and factories were reported by.....	9
Miscellaneous and not given were reported by.....	85

CHARACTER OF HARVEST LABOR.

Question 15: "Are they (the outside laborers employed for harvest) steady and reliable workers?"

The answers to this question are tabulated so that the character of the labor coming from the different sources may be shown, using the classifications "Good," "Poor," and "Medium" for this purpose.

Source.	<i>Character of Harvest Labor.</i>		
	Good.	Medium	Poor.
Local.....	75	38	25
Cities.....	26	29	52
Villages.....	23	14	29
"Floating" and "Vagrants".....	3	6	42
Pennsylvania.....	12	5	1
Canada.....	8	1	5
Employment agencies.....	3	4	7
Shops and factories.....	5	.....	4
Miscellaneous and not given.....	25	30	27
Total number of replies.....	180	127	192

CHARACTER OF LABOR ON NEW YORK FARMS.

NATIONALITIES EMPLOYED.

Question 16: "Of what nationality are most of the workmen on the farms in your vicinity?"

The number reporting each nationality as being the principal one, employed and its percentage of the total number reported as follows:

Nationality.	Number reporting.	Percentage of total.
American.....	338	49.2
German.....	89	12.9
Irish.....	72	10.5
Polish.....	47	6.8
Swedish.....	25	3.6
French.....	21	3.1
Italian.....	19	2.8
English.....	13	1.9
Colored.....	13	1.9
Canadian.....	12	1.8
Dutch.....	11	1.6
Russian.....	5	3.9
Hungarian.....	4	
Norwegian.....	3	
Danish.....	3	
Indians.....	3	
Belgians.....	2	
Scotch.....	2	
Welsh.....	2	
French Canadian.....	2	3.9
Swiss.....	1	
Twenty-one nationalities.....	687	100

NATIONALITIES PREFERRED.

Question 17 was: "If you have had experience with foreign help, what nationality do you prefer as being most efficient?"

Of those reported preferred:

German is preferred by.....	142
Swedish is preferred by.....	80
Irish is preferred by.....	34
Polish is preferred by.....	29
English is preferred by.....	26
Scotch is preferred by.....	10
Danish is preferred by.....	10
Italian is preferred by.....	8
Norwegian is preferred by.....	6
Russian is preferred by.....	5

Canadian is preferred by.....	3
Hungarian is preferred by.....	3
Colored is preferred by.....	2
Dutch is preferred by.....	2
Swiss is preferred by.....	2
Welsh is preferred by.....	2
Austrian is preferred by.....	1
Belgian is preferred by.....	1
Finnish is preferred by.....	1
Syrian is preferred by.....	1

RELIABILITY OF LABOR EMPLOYED.

Question 18 was: "Do your employees generally remain for the full period for which they are hired?"

To this question, 331 or 66.2 per cent. replied "Yes;" 88 or 17.6 per cent. replied "No;" 81 or 16.2 per cent. replied that some did, but that others did not.

LENGTH OF WORKING DAY ON FARM.

Question 20 was: "How many hours does the ordinary farm hand put in, exclusive of chores?"

The replies to this are given in the following table:

Average length.	Number reporting.	Percentage of total.
Less than 8 hours.....	10	1.9
8-9½ hours.....	255	47.6
10-11½ hours.....	249	46.5
12 hours or more.....	21	4.0
Total.....	535	100

The average of the 535 reported is exactly 9.5 hours.

FARM WAGES.

WAGES WHEN EMPLOYED BY THE YEAR.

Question 19 (a) was: "What are the wages usually paid in your locality to workmen employed by the year?"

Most of the replies gave the wages at the yearly rate. Where this was not done, the rate given was reduced to the yearly rate. This makes the rate as tabulated a little too high, for the monthly rate for instance, was multiplied by twelve to get the yearly rate, when as a matter of fact, comparatively few farmers keep the men they employ through the winter months, or if they do, they are paid at a much less rate.

YEARLY WAGES WITH BOARD.

1 reported average wages of less than \$150 per year.
 9 reported average wages between \$150 and \$199 per year.
 156 reported average wages between 200 and 249 per year.
 177 reported average wages between 250 and 299 per year.
 121 reported average wages between 300 and 349 per year.
 13 reported average wages between 350 and 399 per year.
 3 reported average wages between 400 and 449 per year.
 Average yearly wages with board, \$266.21.

YEARLY WAGES WITHOUT BOARD.

1 reported average wages of less than \$250 per year.
 13 reported average wages between \$250 and \$299 per year.
 84 reported average wages between 300 and 349 per year.
 108 reported average wages between 350 and 399 per year.
 59 reported average wages between 400 and 449 per year.
 39 reported average wages between 450 and 499 per year.
 5 reported average wages between 500 and 549 per year.
 2 reported average wages between 550 and 599 per year.
 Average yearly wages without board, \$374.81.

WAGES WHEN EMPLOYED BY THE DAY OR WEEK.

Question 19 (b) was: "What are the wages usually paid in your locality to workmen employed by the day or week in ordinary times?"

When not so given, wages were reduced to the daily rate.

DAILY WAGES WITH BOARD.

2 reported average wages of \$0 75 per day.
 5 reported average wages of 0 87 per day.
 141 reported average wages of 1 00 per day.
 38 reported average wages of 1 12 per day.
 109 reported average wages of 1 25 per day.
 42 reported average wages of 1 37 per day.
 108 reported average wages of 1 50 per day.
 7 reported average wages of 1 62 per day.
 23 reported average wages of 1 75 per day.
 2 reported average wages of 1 87 per day.
 3 reported average wages of 2 00 per day.
 Average daily wages with board, \$1.26.

DAILY WAGES WITHOUT BOARD.

1 reported average wages of \$1 00 per day.
 1 reported average wages of 1 12 per day.
 21 reported average wages of 1 25 per day.
 19 reported average wages of 1 37 per day.
 164 reported average wages of 1 50 per day.
 29 reported average wages of 1 62 per day.
 68 reported average wages of 1 75 per day.
 22 reported average wages of 1 87 per day.
 58 reported average wages of 2 00 per day.
 3 reported average wages of 2 12 per day.
 7 reported average wages of 2 25 per day.
 3 reported average wages of 2 50 per day.
 1 reported average wages of 3 00 per day.
 Average daily wages without board, \$1.65.

WAGES AT HARVEST SEASON.

Question 19 (c) was: "What are the wages usually paid in your locality to workmen employed at harvest season?"

Replies are tabulated below:

HARVEST WAGES WITH BOARD.

5 reported average wages of \$1 00 per day.
 3 reported average wages of 1 12 per day.
 13 reported average wages of 1 25 per day.
 12 reported average wages of 1 37 per day.
 128 reported average wages of 1 50 per day.
 22 reported average wages of 1 62 per day.
 98 reported average wages of 1 75 per day.
 12 reported average wages of 1 87 per day.
 125 reported average wages of 2 00 per day.
 5 reported average wages of 2 12 per day.
 20 reported average wages of 2 25 per day.
 4 reported average wages of 2 50 per day.
 Average harvest wages with board, \$1.74 per day.

HARVEST WAGES WITHOUT BOARD.

4 reported average wages of \$1 37 per day.
 13 reported average wages of 1 50 per day.
 1 reported average wages of 1 62 per day.
 29 reported average wages of 1 75 per day.
 30 reported average wages of 1 87 per day.
 109 reported average wages of 2 00 per day.
 9 reported average wages of 2 12 per day.
 29 reported average wages of 2 25 per day.
 6 reported average wages of 2 37 per day.
 44 reported average wages of 2 50 per day.
 7 reported average wages of 2 75 per day.
 2 reported average wages of 3 00 per day.
 Average harvest wages without board, \$2.07 per day.

RECAPITULATION OF WAGE AVERAGES.

Average wage of workmen employed by the year: With board, \$266.21 per year; without board, \$374.81 per year.

Average wage when employed by the day or week: With board, \$1.26 per day; without board, \$1.65 per day.

Average wage of workmen employed at harvest season: With board, \$1.74 per day; without board, \$2.07 per day.

FEMALE LABOR.

SCARCITY OF, FOR DOMESTIC SERVICES.

Question 21 (1) was: "Is there a scarcity of women and girls for domestic services?"
 To this, 480 or 95.4 per cent., replied, "Yes;" 23 or 4.6 per cent. replied, "No."

FOR FARM WORK.

Question 21 (2) was: "Is there a scarcity of women and girls for farm work?"
 To this, 283, or 90.1 per cent., replied, "Yes;" 31 or 9.9 per cent. replied, "No."
 Many stated that women and girls were not employed for farm work. Where so employed, they appear to be much used in picking berries, gathering other kinds of fruit, etc.
 These figures show that there is a very great scarcity of female labor for domestic services, this appearing to be even greater than that of male labor for farm work.

WAGES OF FEMALE LABOR.

Question 22 was: "What wages are paid for such help (that of women and girls for domestic services and farm work)?"
 The replies tabulated are:

WAGES WITH BOARD.

13 reported average wages of \$2 00 per week.
 12 reported average wages of 2 25 per week.
 63 reported average wages of 2 50 per week.
 35 reported average wages of 2 75 per week.
 24 reported average wages of 3 00 per week.
 25 reported average wages of 3 25 per week.
 65 reported average wages of 3 50 per week.
 7 reported average wages of 3 75 per week.
 46 reported average wages of 4 00 per week.
 3 reported average wages of 4 25 per week.
 7 reported average wages of 4 50 per week.
 10 reported average wages of 5 00 per week.
 1 reported average wages of 5 25 per week.
 5 reported average wages of 6 00 per week.
 Average wages, with board, \$3.19 per week.

WAGES WITHOUT BOARD.

2 reported average wages of \$3 00 per week.
 1 reported average wages of 3 25 per week.
 4 reported average wages of 3 50 per week.
 2 reported average wages of 3 75 per week.
 7 reported average wages of 4 00 per week.
 9 reported average wages of 4 50 per week.
 2 reported average wages of 4 75 per week.
 3 reported average wages of 5 00 per week.
 19 reported average wages of 5 25 per week.
 2 reported average wages of 5 50 per week.
 88 reported average wages of 6 00 per week.
 1 reported average wages of 6 50 per week.
 9 reported average wages of 6 75 per week.
 2 reported average wages of 7 00 per week.
 12 reported average wages of 7 50 per week.
 8 reported average wages of 9 00 per week.
 Average wages without board, \$5.88 per week.

OPINIONS AS TO CAUSES OF UNSATISFACTORY LABOR SITUATION.

Question 23 was: "If the labor situation in your vicinity is unsatisfactory, what do you think is the cause?"

Twenty-seven replied that the labor situation in their localities was satisfactory.

The other replies are summarized below. As classified many of the opinions are closely related and some express in part the same thought as others. The more intelligent discussions of the causes of the unsatisfactory labor situation are appended to this report and should be carefully considered.

These opinions may be divided into two classes: (a) those dealing with the lack of farm labor; (b) those having to do with the poor quality of such labor.

LACK OF FARM LABOR.

The protection afforded to other industries by the protective tariff, but denied to agriculture, enables those industries to pay higher wages than agriculture can pay. (Opinion held by three.)

Prices received from agricultural products are not fair. (Opinion held by five.)

Wages paid are low. Farmers cannot compete with manufacturers and other employers. (Opinion held by fifty.)

Farm employment is unsteady, especially in the winter months. (Advanced by seventeen.)

The payment of wages is irregular. (Held by two.)

Hours are long. (Opinion held by forty-four.)

Laborers dislike farm work — prefer other kinds. (Opinion held by twenty.)

Farm work is hard. (Held by ten.)

Men dislike chores, milking, etc. (Opinion of three.)

There is general discontent with farm life. (Held by two.)

There is little social life in the country as compared with the city. (Advanced by ten.)

Laborers are poorly treated — living conditions are not good. (Opinion held by five.)

There is not a sufficient number of cottages for men with families. (Held by eight.)

The system of education in the rural communities does not give the proper training for farm life and work. (Opinion held by one.)

Public opinion teaches boys and girls in the country to be dissatisfied with farm work and life. (Opinion held by two.)

Children learn and enter other professions and businesses than agriculture. (Opinion of three.)

Girls object to domestic services. (Held by three.)

The city offers better opportunities. (Opinion of two.)

The city, by reason of higher wages, shorter hours, easier work, more social life and amusements, or other advantages offered, attracts people, old and young, from the country to the city. (Opinion held by 101.)

Women prefer the city with its greater advantages for social intercourse. (Opinion of two.)

Domestics prefer the city for the same reason. (Held by one.)

Other industries, by reason of the greater inducements offered, attract labor from the farms. (Held by thirty-five.)

The hours of work on the farm are irregular, while those in other industries are regular. (Advanced by one.)

There has been a decrease in the number of immigrants settling on the farms. (Opinion of one.)

POOR QUALITY OF FARM LABOR.

There is a lack of laborers skilled in farm work. (Opinion given by four.)

The immigrants settling on the farms are unskilled in agriculture. (Held by one.)

The scarcity of farm labor makes laborers independent and unreliable. (Opinion of five.)

Intemperance makes much of the labor of poor quality. (Opinion of thirty-seven.)

SUGGESTED REMEDIES FOR THE UNSATISFACTORY LABOR SITUATION.

Question 24 was: "What remedy would you suggest for the unsatisfactory labor situation?"

The replies to this are summarized below, with the number of those proposing the different remedies given. Extracts discussing suggested remedial measures are appended to this report and should be carefully considered.

As in the case of causes, the remedies that are suggested may be divided into two classes: (a) those for the lack of farm labor; (b) those designed to improve the quality of farm labor.

Many of these proposals are impractical; some are even absurd.

FOR LACK OF FARM LABOR.

Restore competition among all producers by removing protective tariff. Then one industry will not have an advantage over others. (Suggested by three.)

The farmers should combine to further interests generally — to increase prices in particular. (Proposed by three.)

Increase prices of farm products. (Proposed by twelve.)

Eliminate the excessive profits of middlemen dealing in farm produce. (Proposed by five.)

Pay higher wages. (Suggested by seven.)

Introduce improved methods of farming. (Suggested by three.)

Use more machinery and other labor saving methods. (Proposed by three.)

Make farm work more systematic. (By three.)

Plan farm work so that steady employment may be offered. (Suggested by fourteen.)

Pay wages promptly. (Suggested by three.)

Require shorter hours. (Proposed by eighteen.)

Make farm life and work more attractive. (Suggested by ten.)

Provide more social life (one farmer says that larger farms would make this possible). (Suggested by three.)

Improve living conditions. (Suggested by three.)

Install modern conveniences in the home. (Proposed by four.)

Provide better transportation to the city. (Proposed by two.)

Treat laborers better. (Suggested by sixteen.)

Provide more and better accommodations for men with families. (Proposed by eighteen.)

Teach advantages of farming and of country life. (Proposed by sixteen.)

Provide a better system of agricultural education, especially in the common schools. (Proposed by eighteen.)

Induce the wives and daughters to do the necessary housework. (Suggested by one.)

Develop the organization and work of the Granges. (Proposed by two.)

Raise larger families. (Suggested by two.)

Encourage the best class of immigrants to settle on the farms, especially those skilled in farm work. (Suggested by thirty-four.) Two farmers suggest that foreigners be brought to the farms in colonies, so that they will not become lonesome and leave.

Distribute immigrants more intelligently. (Proposed by six.)

Establish employment bureaus (one farmer suggests that the Granges develop co-operative employment exchanges). (Proposed by four.)

Rent land in smaller areas. Smaller farms are generally needed. (Suggested by two.)

FOR POOR QUALITY OF LABOR.

Employ married men (more reliable). (Suggested by five.)

Make immigration inspection more rigid. (Proposed by one.)

Make employees responsible as per contract. (Proposed by seven.)

Prohibit sale of alcoholic drinks. (Proposed by eleven.)

EXTRACTS FROM LETTERS FROM AGRICULTURAL SOCIETIES.

MARTIN SHERWOOD, UPPER LISLE, N. Y.

"This 'protective tariff' has built up large manufacturing plants, that in turn have built up round them large cities of industry, drawing the people from the country to swell their large populations, leaving the farms without labor to till them, and large areas have gone to waste, or grown up with weeds or bushes, because their owners have followed the 'will-o-the-wisp' to the 'Eldorados' of trade, where the Government grants special favors, and left their farms in the hands of tenants who have but little care but to rob the soil, and trust the Lord to furnish the loaves and fishes. In our mind, large cities to the exclusion of smaller towns, are not for the best interests of a nation. We talk of 'home markets,' but the distant city is no more a home market to the ordinary American farmer than London to Liverpool. Were the large cities divided into smaller and scattered communities, hundreds of thousands of farmers would find a home market for their produce, land would be more valuable, would be more highly cultivated and a greater degree of prosperity would be felt among farming classes.

"The enormous fortunes that have been built up through the protected industries, have acted upon the rural communities, like the lamp set out upon the lawn of a summer evening, that has drawn the moth and bugs into its death trap. Hundreds of thousands of people have been lured to this flame; to become serviles the rest of their life, that might have been independent land owners had they chose to stay upon the farm.

"Public sentiment has educated the young people away from the farm; it has taught them that to be a farmer was to be a hay-seeder, that farming is a menial occupation, that to live on a farm is degrading."

GEORGE T. POWELL, PRESIDENT, THE AGRICULTURAL EXPERTS' ASSOCIATION, 5 EAST FORTY-SECOND STREET, NEW YORK.

"The problem of labor for the farm is one of the most serious obstacles of the present times. It is not only most difficult to obtain, but generally is very inefficient. It is also impossible to do the best work in farming on this account, and production along many important lines is in consequence being curtailed, and this is causing high cost of living in our cities which, to many is becoming oppressive. The remedy is a most difficult one to suggest. The young men have largely gone from the farm, and it is impractical to get old men to adopt new methods. Many may see the necessity, but it is hard for them to change, especially with so little efficient labor to assist them."

A. J. NICOLL, DELAWARE COUNTY AGRICULTURAL SOCIETY, DELHI, DELAWARE CO., NEW YORK.

"The education in the schools has a tendency to attract the boys and girls from the farm. They are looking for shorter hours and an easier job than that offered them by the dairy farm."

CLAYTON C. TAYLOR, PRES., CENTRAL GURNSEY BREEDERS' ASSOCIATION, LAWTON STATION, ERIE CO., NEW YORK.

"The farmers are doing better now than ever before in the history of the country, so the labor question can't be very serious. If there is any difficulty it will probably right itself in time. If there was plenty of good reliable farm help, the rich would buy all the land, and hire all the help — that would not be for the good of all concerned. I don't take any stock in the idea that the farmers are in need of a special act of Providence in their behalf."

W. F. MERKS, NEW YORK STATE ASSOCIATION OF BEE-KEEPING SOCIETIES, HOPEWELL,
ONTARIO Co., NEW YORK.

"During the twelve or fifteen years previous to 1900, farming was carried on at a loss, farm products could be bought in the *open* market for less than the cost of production, result, an exodus of farmers and experienced farm help to the cities."

W. I. CAVERT, SARATOGA COUNTY AGRICULTURAL SOCIETY, CHARLTON, SARATOGA Co.,
NEW YORK.

"The main trouble is that during prosperous times, the people crowd to the cities."

H. E. COOK, DEAN, NEW YORK STATE SCHOOL OF AGRICULTURE, CANTON, ST. LAWRENCE
Co., NEW YORK.

"Land owners are partly to blame for whatever trouble exists. Long days and lack of steady employment has not attracted the best labor. Greater skill on the part of the producers would attract higher grade men and better wages. The wage fixes the value of men as prices fix the value of any commodity."

JARED VAN WAGNER, JR., PRES., STUDENTS' ASSOCIATION CORNELL COLLEGE OF AGRICULTURE,
COBLESKILL, SCHOHARIE Co., NEW YORK.

"Irregularity of employment: Wages compare unfavorably with those paid in the cities. Men love to work in a crowd."

E. O. FIPPIN, ASSISTANT PROFESSOR OF SOILS, NEW YORK STATE COLLEGE OF AGRICULTURE,
AT CORNELL UNIVERSITY, ITHACA, N. Y.

"This question of farm labor is much deeper rooted than the mere matter of work to do and people to perform it. In fact, it is closely united with the whole economic situation of the rural communities. I am pretty thoroughly convinced from a considerable amount of personal study in the rural sections involving a farm to farm canvass, that the simple matter of promoting immigration to rural sections in an indiscriminate manner will not solve the problem. The labor situation is the result of a number of other conditions which ultimately have their roots in the natural agricultural status of the section. Of course, the labor situation on the farm throughout the country is rather acute, but in every instance it is more acute on the poorer lands than it is upon the better lands. It is more acute with the poor farmer than it is with the good farmer, and as a general rule the poor farmers are on the poor lands. Of course, there are exceptions to this statement, but in New York State our most acute farm labor difficulties are on the poor hill-lands which are most largely developed in the southern section of the state.

"The difficulties in getting labor result from three or four causes: There are (1) the uncongenial social surroundings on the farm; (2) the impracticability of getting the same net wage on the farm that can be obtained in the cities; (3) lack of appreciation on the part of the laborer as well as his employer in most cases of the existing features of both scientific and commercial character identified with the farms; and all these difficulties are dependent upon the soil conditions. You will find wherever you investigate the situation that the farmer who is able to make a large net profit from his land is able to maintain a better social status and to pay wages which are more nearly satisfactory to the laborer. On the poor land the net income is such that the farmer with the average area of land ekes out a very poor subsistence. In these situations, there has been a very decided decline in the status of rural communities which has been coincident with a decline in the natural productiveness of the land. These areas of soil were originally fairly productive owing to the influence of the virgin conditions, but by years of careless management their supply of organic matter and plant food has become exhausted with the result that crop yields have decreased, and the land is more difficult to manage. The intelligence of the average farmer has not been such that he could cope with his problems, so that his soil conditions have been growing continually worse, and there has been a corresponding decline in his financial condition which is passed on to his social relations. He has endeavored to minimize expenses by employing his labor for only part of a year which can never come to any degree of permanency or satisfaction as between the laborer and his employer. On the one hand, the laborer is justified in demanding larger wages and in seeking city employment, while on the other hand, under existing conditions, the farmer is justified in not employing the laborer for the full year.

"To put the matter in other words, over large areas of New York, the present average farm is not a well balanced unit. It is not sufficiently diversified to enable it to use its labor to advantage throughout the year. It is too small to permit the employment of a sufficient number of laborers to give them any satisfactory social conditions. They are also too small to give the best net returns, and consequently are unable to pay wages in competition with city employment.

"From this rather long statement, let me summarize my view of the situation: It is that first the soil conditions have a low producing power. Second, that the size of farms is not properly adapted to the kind of soil. Third, that the difficulties of the soil situation cannot be handled by the farmers of average intelligence. Fourth, that this develops a bad economic and social condition on the farm, and that this bad economic and social condition has tended to repel the labor supply."

E. A. CROWE, PRESIDENT, THE NORTHPORT FARMERS' CLUB, LARKFIELD, N. Y.

"My summed up opinion is, that laborious character of farm labor presents no inducements to intelligent men or women, and unintelligent labor is generally unsatisfactory to the farmer. In this particular locality, dotted all around with populated villages, the intelligent people seek more refined and more profitable occupations. Our only source of help, is the employment offices of New York City, which supply only foreign help — principally Polish — which, as a rule, proves unsatisfactory.

"They are generally of an untrustworthy character in regard to their intelligence and their honesty. A farmer *cannot* offer wages high enough to induce a higher grade of labor to come to his farm. It requires the most rigid economy and connivance for the farmer to get a mere living. He has to contend with the climatic set-backs, and when he has harvested his crops, the marketing expenses eat enormous holes in the returns. Then the smaller men who cannot ship in carload lots, are compelled to send to a commission merchant, rarely getting half their returns, and frequently getting robbed of all.

"As to the marketing expenses, I will give myself as an example. I raise fruit. At present I am harvesting and shipping apples. The very best sell for \$3.00 per bbl. in the city. The poorer grades would not pay to send in.

Cost:

Picking.....	20 cents per barrel.
Packing.....	20 cents per barrel.
Carting.....	30 cents per barrel.
Barrel.....	43 cents.
Freight.....	20 cents per barrel.

Cost.....	<u>\$1 33</u>
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Leaving me \$1.67 for the fruit. And the poorer grades would not sell for \$1.67. It will take a great many barrels of apples to get enough money to pay for any kind of labor."

EXTRACTS FROM LETTERS FROM GRANGERS.

ANDREW G. AKIN, CANTON, ST. LAWRENCE CO.

"One reason is that comparatively few farmers employ help by the year and consequently only get a poor quality of transient help. A good, steady, reliable man wants steady work and if he can not get it on the farm he looks for it elsewhere."

J. A. ENNIS, PRIMTOWN, SCHENECTADY CO.

"This section is within ten miles of Schenectady with its General Electric Works employing about 15,000 and American Locomotive shops 5,000, and seven miles from Amsterdam employing a large number of women and girls, and the young people naturally like to flock together."

JOHN W. MURPHY, NORTHUMBERLAND, SARATOGA CO.

"Longer hours than in the mills and smaller pay, and they think a position in a mill or on public works, and no chores, gives them time to spend in the village."

A. J. HULL, FAIRPORT, N. Y.

"The call of city and town. They (laborers) will admit that more money can be saved on farm. No fault of farmer."

NORMAN M. MORINGS, BLOOMING GROVE, ORANGE CO.

"One of these causes is low price of farm products for many years past compelling the farmer to use a poorer class of labor than other industries, and at times none at all. Then the prevailing but wrong sentiment that life in the country is at a disadvantage."

JAMES M. HEATH, HONEOYE FALLS, MONROE CO.

"(1) Trusts and combinations of capital that can charge monopoly prices for their services or products can and do pay larger wages than farmers can pay.

"(2) For twenty years farming has not been a paying business and young men do not like to engage in it. The farmers enjoy very little benefit from tariff laws that benefit other lines of production. As a rule his products come in competition with the world."

JNO. W. WALES, FRANKLINVILLE, CATTARAUGUS CO.

"All the bright, strong young men leave the farms and go to the cities. They are in the places of responsibility. The cities return nothing to them. The farms need managers more than laborers. This country is drifting into large estates and I can see no remedy so long as all the young brains find more remunerative work in the cities, and laborers get better wages in the shops."

I. L. OLNSTEAD, MENTZ, CAYUGA CO.

"Very few hire by the year. If they did I think help would be more easily obtained."

O. S. MORGAN, DIRECTOR OF THE N. Y. STATE SCHOOL OF AGRICULTURE AT ALFRED UNIVERSITY.

"(1) Men do not like to milk and do not want to learn.

"(2) Chore time is too heavy.

"(3) A 14 or 16 hour day leaves no time for leisure or social life.

"(4) Many times the farms are almost completely isolated, hence, loneliness is felt by hired help."

EXTRACTS FROM LETTERS FROM AGRICULTURAL SOCIETIES.

GEORGE T. POWELL, PRESIDENT, THE AGRICULTURAL EXPERTS' ASSOCIATION, 5 EAST 42D STREET, NEW YORK.

"One of the greatest present and future needs is in demonstrations made in communities where a few acres of land may be put under the best modern methods of culture in the production of leading crops, where live stock may again be brought into eastern farming as a most important factor in the up-building of the generally depleted soil, and to meet an imperative demand for its products. This will bring into use again the abandoned tenant house, and will give profitable employment to men of families who may have employment through the entire year.

"Another important work in the interest of farm life is that of pointing out ways and means for improving the domestic work of the farmer's home. While the farmer is forced to obtain improved machinery to carry on his business, he does not sufficiently make provision for lightening the labor for his wife and daughters, he does not introduce water in his house, as he does for his cattle in his stable, and large numbers of women are breaking down in farm work for the reason of not having labor saving facilities, and being obliged to do the entire work without the aid of domestic servants.

"Very much larger profits may be realized in farming at the present time if more and efficient labor may be brought to the farm, and present advantages more largely realized."

FRED B. PARKER, SECRETARY, GENESSEE CO. AGRICULTURAL SOCIETY, ELBA, GENESSEE CO., NEW YORK.

"There has been a class of foreigners coming to this country that know nothing of farming. American Bureau of Immigration should solicit immigrants from a farming country such as Germany, Holland, Sweden."

C. W. AMES, SECRETARY DE RYSTER, MADISON CO., NEW YORK.

"The State Agricultural Department should advertise the cheap farm lands in New York State."

S. S. AVERILL, HOLSTEIN FRIESIAN BREEDERS' CLUB OF NEW YORK, SYRACUSE, ONONDAGA Co., NEW YORK.

"Eliminate dairying, and go to raising live stock for the western market, which can be done with much less help."

N. E. A. SMITHERS, PROPRIETOR, THE RIDGEHILL FARM, OGDENSBURG, NEW YORK.

"That all farmers, particularly up to date farmers, build tenant houses on their farms, set aside one acre or more ground for their tenants to use to raise their own vegetables, and then unite with the powers connected or allied with immigration to turn the tide from the developed west to the undeveloped east, then and only then will they have help.

"Unless present labor conditions on our New York State farms change quickly the better class of farmers will quit the business, and that means rented and abandoned farms."

H. T. MANNING, SCHOHARIE Co. AGRICULTURAL SOCIETY, MIDDLEBURGH, SCHOHARIE Co., NEW YORK.

"The importation of good reliable foreign help. We have got to have such help, or the increase of abandoned farms will be greater each year."

JARED VAN WAGNER, JR., PRESIDENT, STUDENTS' ASSOCIATION, CORNELL COLLEGE OF AGRICULTURE, COBLESKILL, SCHOHARIE Co., NEW YORK.

"Above all things, continuous employment; on most farms employment for four winter months is uncertain. I believe wages in the country will buy as much comfort as in the city."

E. O. FIPPIN, ASSISTANT PROFESSOR OF SOILS, CORNELL UNIVERSITY, ITHACA, NEW YORK.

"Now as to means of correction. It cannot be corrected in a single year or even in a decade. It requires a thorough-going re-adjustment of rural business conditions. There must be larger farms on these poor lands so arranged that they include both the better land in the valleys and the poor lands on the hills. This large area must be organized into a well-balanced business unit which is able to employ enough labor to give them satisfactory social conditions as well as financial returns, and to employ them throughout the year.

"Along with this organization must go a higher degree of executive management and appreciation as well as an understanding of the problems involved in the improvement of the land and its management, to obtain the maximum net returns.

"In my opinion, the placing of immigrants on abandoned farms without, at the same time, instruction as to the difficulties I have mentioned will result in their discouragement, in the further depletion of rural conditions and in dissatisfaction with the whole movement. Its solution must come from the side of greater intelligence concerning the agricultural conditions of the country and their organization into effective business units. When this is accomplished the labor problem will solve itself."

J. B. WILSON, DRYDEN AGRICULTURAL SOCIETY, DRYDEN, TOMPKINS Co., NEW YORK.

"Some better inducements to keep boys at home. I have traveled among the farmers for six years, and I only know of three farmers who have sons that expect to become farmers."

E. A. CROWE, PRESIDENT, THE NORTHPORT FARMERS' CLUB, LARKFIELD, NEW YORK.

"Now if any way can be devised to eliminate some of these expenses of marketing, a farmer might have a chance. Or if any way could be devised so the farmer could get the retail prices for his produce it would help.

"I think if the farmers could have a market place, furnished by the State, where they could go in and sell their own produce, a place where no commission merchants would be allowed, they could do much better for themselves, and for the labor they are compelled to hire."

EXTRACTS FROM LETTERS FROM GRANGERS.

GEO. W. L. SMITH, KINGSBURY, WASHINGTON Co.

"If a community of Swedes could find employment so they could visit and not get homesick, it would help to solve the problem. In a number of cases one man hired, soon gets homesick, and leaves."

CHAS. H. JOHNSON, PALMYRA, WAYNE CO.

"I would not say it was unsatisfactory right here, as we live only about a mile from town and people do like to get near the town."

NAME NOT GIVEN.

"Pennsylvania men (for harvest) are No. 1."

J. H. PIERVEY, DE KALB, ST. LAWRENCE CO.

"Have the children educated for the farm instead of commercial.

"The Board of Education at Albany is to blame for that."

S. E. DAVIS TECH, SAUGERTIES, ULSTER CO.

"Have secured help through Agricultural Department, which is generally satisfactory."

M. S. WALLACE, CANTON, ST. LAWRENCE CO.

"As this is a dairy community and as foreign help do not know how to milk, they would be undesirable as that is one of the requirements on our farms."

FOSTER H. WHITE, TYRE, SENECA CO.

"A large per cent. of our agency laborers are 'bums' who are usually without money or clothes, further than what they have when they reach us."

CHAS. H. KIRBY, WAWAYANDA, ORANGE CO.

"If there was some way to get the unemployed poor out of the cities, and the good working foreigners that come to our country interested in farming, it would be more in the right direction."

C. M. CHESTER, ALBION, ORLEANS CO.

"Combined effort to get foreign help with families by the farmers through agencies of some kind.

"The combined effort of the farmers can best be obtained by Grange organization."

NORMAN M. MORINGS, BLOOMING GROVE, ORANGE CO.

"The remedy necessarily educational. A wise distribution of the immigrants so that they may not be massed in a few localities. Drawing the attention of all people to the advantages of country life. The better and higher education of the farmer, teaching him better how to till the soil and how to market his crops and get full value for them."

JAS. M. HEATH, HONEOYE FALLS, MONROE CO.

"(1) Restore if possible, competition among all producers by destroying monopolies.

"(2) Repeal all laws that give one man or business advantage over others."

H. REED HAWLEY, STAATSBURG, DUTCHESS CO.

"Ultimately, larger farms giving more social life to farm hands and thus ending the intolerable conditions when the 'boss' is at the mercy of one or two incompetent and irresponsible helpers."

P. A. HADDON, MIDDLETOWN, DELAWARE CO.

"If in place of dumping the immigrants in our cities and feeding them on charity, they were sent in the country and let them work as our farmers work, there would be less scarcity of help."

E. W. SIMMONS, NORTH EAST, DUTCHESS CO.

"Some systematic importation of foreign labor of a good class."

H. L. STOUTENBURGH, POUGHKEEPSIE, DUTCHESS CO.

"At present time at prevailing prices of produce and cost of production, the farmer cannot compete in the labor market with the manufacturers and city employer. The farmer must use more labor saving machinery and less hired help."

JNO. W. KALES, FRANKLINVILLE, CATTARAUGUS COUNTY.

"All the bright, strong young men leave the farms and go to the cities. They are in the places of responsibility. The cities return nothing for them. The farms need managers more than laborers. This country is drifting into large estates and I can see no remedy so long as all the young brains find more remunerative work in the cities and laborers get better wages in the shops."

H. A. BROOKS, OLEAN, CATTARAUGUS CO.

"The labor question is not so serious here as in many places. We live in good country and near city, consequently, many attractions for men."

Mrs. IDA SLAYTON, CONQUEST, CAYUGA CO.

"That the farmers seek to make the farm life more agreeable that our young men may be kept to the country. And would further suggest that the State do more to educate the boys in agriculture. Our agricultural schools are but few and the expense is such that many boys cannot attend, when if this branch was taken up in all graded schools, it would be possible."

O. S. MORGAN, DIRECTOR OF THE N. Y. STATE SCHOOL OF AGRICULTURE AT ALFRED UNIVERSITY.

"(1) Shorter hours to the day — twelve or thirteen hours all told.

"(2) That the farmer make his farm as much a business as store keepers, tradesmen, etc., make their work.

"(3) Better roads, free mail delivery, parcels post, and institute life that centers in the country instead of in the town and city."

L. L. GREENFIELD, FORESTVILLE, CHAUTAUQUA CO.

"My experience with Italians is they are not familiar with our mode of farming."

J. W. DARROW, CHATHAM, COLUMBIA CO.

"More extensive methods in farm work. The keeping of more live stock. Threshing of grain and pressing hay. Provide more work in winter, and keep men steadily employed. Make tenant houses more comfortable and homes for laborers better in every way."

APPENDIX XV.

STATE OF NEW YORK,
DEPARTMENT OF AGRICULTURE.

ALBANY, February 25, 1911.

Hon. J. M. WAINWRIGHT, *Chairman, Senate Chamber, Albany, N. Y.*

My DEAR SENATOR:— Referring to your favor of February 15th in regard to the agricultural labor situation. I have reviewed these replies, considered the statements at the hearing, and availed myself of my personal knowledge of the situation.

There is a shortage of agricultural labor. Your replies show that 82 per cent. of the farmers find it difficult to get help, but only 73 per cent. where the help is employed by the year.

The main causes are, unsteady work, long hours, low wages, lack of tenant houses, poor schools and churches, lack of social advantages, boys leaving the farms, unattractive farm homes. It seems to me that the main remedies are, employing labor the entire year, shorter hours for labor, definite hours of labor with chores included, pay by the hour or extra pay for extra hours, adjustment of wages and farm living advantages, raise of wages in order to more nearly meet prices paid in cities, charge for things furnished, more and better tenant houses for married men and their families, larger farms giving more social life to farm help, more intensive farming, therefore requiring more help. It is easier to get laborers where you need ten or fifteen than it is where you need only one or two. More houses together bring better schools and churches. Make your school or church your club house or grange hall. Make farm homes more attractive with fire places, furnace, plumbing and telephones.

Legislative remedies. Extend agricultural education in high schools to get the boys interested; build good roads; give us more rural free delivery and the parcels post; establish farm improvement agencies at leading agricultural centers in the State to advise farmers about crops, dairying, marketing, etc., furnish laborers for the farms and work for the workers. At present the farmers do not know where to find the good help that there really is.

I return herewith your circular and digest, as requested in your letter.

Sincerely yours,

R. A. PEARSON,

Commissioner.

APPENDIX XVI.

PUBLIC HEARING BEFORE THE COMMISSION ON EMPLOYERS' LIABILITY
AND CAUSES OF INDUSTRIAL ACCIDENTS, UNEMPLOYMENT AND LACK
OF FARM LABOR,

Held at the Young Men's Christian Association building, at Troy, N. Y., February
9, 1911, at 2 P. M.

YOUNG MEN'S CHRISTIAN ASSOCIATION BUILDING,

TROY, N. Y., *February, 9, 1911.*

2:00 P. M.

Present: There were present at the hearing the following members of the Commission:

Hon. J. MAYHEW WAINWRIGHT, *Chairman.*

Hon. HOWARD R. BAYNE.

Hon. FRANK C. PLATT.

Hon. ALFRED D. LOWE.

Hon. GEORGE W. SMITH.

Senator WAINWRIGHT.— I will ask the Commissioner to say a few words before we proceed to hear the other gentlemen present.

Commissioner PEARSON.— I have been asked to say a word or two at the opening of this conference or hearing, and shall be very glad to do so, on the work that is before this Commission on the question of the lack of farm labor, its cause and the remedy, if any. This Commission on Employers' Liability, appointed under authority of the State law, is composed of members of the Legislature and some gentlemen who are not in the Legislature. This Commission was appointed by the Legislature in part, and in part by the Governor, and their purpose, as I understand it, is to ascertain the true conditions concerning labor in New York State, industrial conditions in the State, the causes of accidents in the industries of the State, all for the purpose of improving these conditions or preventing a continuance of them. The Commission has finished an important branch of the work, which relates to labor in the cities and in the factories and manufacturing districts throughout the State, and they are now about to take up for consideration the question of the condition of farm labor in New York, and naturally I think that is one of the most important subjects they have yet considered. The Commission desired to hold a hearing where they might meet in conference with the farmers themselves, and through them and by means of their knowledge of this question become familiar with the farming conditions, particularly those conditions affecting labor, or help, on the farm in the different parts of the State, and they recognize that there could not be any better place for such a hearing than in Troy during a meeting of the State Grange. And so, fellow Grangers, I wish to introduce you to the Commission and I will introduce the Commission to you by saying that the Chairman is Senator Wainwright, and he is accompanied here to-day by other members of this Commission — Senator Bayne, Senator Platt, Mr. Smith, Assemblyman Lowe and Mr. Smith. With these very few words we will consider that you are properly introduced, and Senator Wainwright, Chairman of the Commission, will take charge of the hearing.

Chairman WAINWRIGHT.— Gentlemen: This Commission, a considerable number of whom are here to-day, was constituted by an act of the Legislature passed in 1909. We were given important and difficult problems to consider. These problems were the question of the system of employers' liability in this State; the causes and prevention of industrial accident; the question of unemployment, and the lack of farm labor in the agricultural regions of New York. I think, myself, the responsibility and labor devolving upon this Commission in the effort to solve these several diverse questions would show that each one of those topics was one which might well have consumed the labors of a separate Commission. We have already made our report to the Legislature on the question of employers' liability, securing the enactment at the last session of the Legislature of separate and extremely

important legislation on that subject. We have considered as well the other subjects, and we have given considerable attention to them, and yet not anything like as much as we would have liked to give if our time and the means at our disposal had permitted. We would like to be able to give more time to the important question of the lack of farm labor. I know that I express the views of my colleagues on the Commission when I say that I consider that question and my fellow members of the Commission also consider that question equally important with that of any other question that has been submitted to us, and indeed, we consider it a question of vast importance. If there is a lack of farm labor in the agricultural regions it is a condition which certainly merits the consideration of the State, and if there is any means by which the law-making body of the State can apply a remedy which will relieve that condition, it should be done. Now, you may, some of you, recall that about a year ago we sent out to the granges and agricultural societies of the State of New York a series of questions to try to develop the facts with regard to the inquiry that is before us to-day; those were sent out, I believe, to all the Granges and all the agricultural societies in the State, and we received a great many replies, in fact the proportion of replies received to the number of circulars sent out indicated the interest that there was in this subject. This, however, is the first opportunity that we have had to meet any of those who are directly concerned in this problem, face to face. We had planned two or three hearings in the agricultural regions of the State at convenient points to cover the different agricultural sections, but learning that the Grange was in session here, we felt that it offered a splendid opportunity for meeting the members of the Grange, and later on, the farmers generally of the State. We took this matter up with Mr. Godfrey, the Master of the State Grange, and Mr. Pearson, the Commissioner of Agriculture, and the result is our gathering here to-day.

We are here, gentlemen, to-day to receive your views on this subject. The question before us on which we desire to be enlightened by you gentlemen, is, first, is there a lack of farm labor in the agricultural regions of this State, and second, if so, how extensive is that lack? Also, we desire knowledge as to what portions of the State are in need of farm help — in what portions of the State is the need most felt, and what, if anything, can be done by the Legislature, or through any State institution or department to furnish a remedy. We will be guided very largely in the conduct of this hearing by the assistance of our good friend, the Commissioner of Agriculture, and we will rather assume that he will develop the course of the hearing. I think, though, it would not be inappropriate for us to hear, in the first instance, from Mr. Godfrey — the Master of the State Grange. Before he leaves us I know you will be glad, and speaking for the Commission, I know its members will be glad to hear any observations he may have to make on this subject of farm labor.

Mr. Godfrey, Master of the New York State Grange, then addressed the Commission as follows:

SENATOR WAINWRIGHT AND MEMBERS OF THE COMMISSION.— When I first learned that you desired to meet with representative farmers from the different sections of this State, we thought of what would be a good opportunity to do so, and it occurred to me that the time was to-day, when the State Granges are in convention here in Troy, when at this time we might confer and thoroughly co-operate with you in getting the delegates from our organization to be present. We will have been in session four days and they are four busy days for our people. A great deal of work has to be transacted, and it is making a lot of extra work for them to leave their body and the work that is before them to come before the Commission to-day; but they were very glad to do so, inasmuch as it gave them an opportunity to express their views on this subject.

The question of farm labor has, for a number of years, been one of the serious problems to wrestle with on the farm. The expert labor, or the better class of labor, left the country largely when farming and agriculture was in its depressed state — six, say at a period between five and ten years ago — when the price of farm products was so low that the farmer was unable to pay the price or compete with the price of expert labor, or intelligent labor, in the cities and manufacturing places, and many of the farmers' boys of the country on that account, with the desire to better their conditions, thought it was best with that outlook, as these conditions stood at that time regarding agriculture, to leave the country districts, to leave the country, and go into the cities or centers of manufacture, to the manufacturing places for employment, and were thus enabled to get larger wages and earn more money than they could on the farm, apparently. And so those conditions continued — I don't know that they improved at any time during this period. I don't think they did, except that possibly within the last few years. I think the conditions have changed somewhat and there is an apparent increase in farm labor, but not in what we call "expert labor," or "intelligent farm labor." I think to-day we are pretty nearly as bad off in the country for good intelligent labor as we have been at most any other time. Certain sections

of the State are better off than others. I find that through the dairy sections of the State it is harder and more difficult to secure competent help than in the grain-growing or fruit-growing sections, except perhaps just at the harvesting or gathering season in the fruit sections. The question is one that has often been discussed in our granges — the question as to what should be done, or what could be done, or what can be done, to increase the amount of this help. In my section, in the western part of Cattaraugus county, near the city of Olean, the better class, the more intelligent class, has drifted into the city and is now employed in manufacturing plants. We are able to secure a certain second-class help, perhaps, and I believe we are able to get a little better class of labor than from the large cities. There is not a great deal of foreign labor employed by the farmers in our section, but that is a class of labor that has not been educated as well as the average farmer's boy is. There are men to-day who have struggled along for years, mostly married men, and the farmer that has a house where he can place the married man is pretty sure to get the better class of that element. If the farmer has a house for him to occupy he can get possibly this better class who have struggled along and stayed there; otherwise, if the farmer has no children, the wife works as well as the husband, oftentimes in the farmer's family. They are separated, the wife working in another place and the husband on the farm doing the work. My experience is that the greatest question with the farmer himself comes from the fact that he is unable to employ his labor all the year round. Where the farmer has a dairy and is in a position to employ his labor the year round, he has but little difficulty in getting them and in keeping the good help.

I believe the conditions in the country are materially changing for the better. The fact is that the Legislature has assisted in this materially when they gave us an amendment to the Education Law providing for the teaching of agriculture in the high schools and providing more facilities for the teaching of agriculture and to aid many of the boys on the farm — of the farmer's family — to learn agriculture. The same class which were a few years ago considering some other employment as their life work, are now adopting agriculture as a profession. I think the result is shown in the increase in the number of boys and girls in our high schools, secondary schools, and later on in the agricultural colleges which they have established through the Agriculture Department. There have been already established in this State five — I don't know but seven — colleges having departments of agriculture introduced into their course of study. I believe there are a few high schools — that have been teaching agriculture to a certain extent for some time.

I don't know that I care to take up any further time now, unless you desire to ask any question; so that I will leave it to the Commission.

THE CHAIRMAN.— Are we to understand, that, in your judgment, there is a real problem, and that there is to-day notwithstanding the improvement in conditions which you speak of, a decided lack of farm labor or labor on the farm in this State?

Mr. GODFREY.— Yes, sir, I believe there is a decided lack of efficient labor. The farmers may be able to get a certain class of labor, and perhaps they are nearly or quite as well off in that regard, but as to intelligent, expert labor there is a great lack on the farm to-day. Perhaps I might say a lack of all kinds of labor on the farm to-day.

THE CHAIRMAN.— Have you any suggestions to make as to any remedy or remedies for this condition?

Mr. GODFREY.— Well, it is a pretty hard problem to solve, Senator; I have thought a great deal of it, but I have not been able to solve it, unless it is along this line: That unless the farmer receives a better price on his labor, or rather, is able to get more money out of his business than he has been, that problem will be before us for a good while to come. When the farmer is able to pay wages for competent help, I believe there will be no difficulty in his getting it. But our farmers to-day have scarcely got their noses off the grindstone. They are doing a little better than they have been, but are not yet able to pay the prices demanded for competent and intelligent labor for the farms.

THE CHAIRMAN.— Does the lack of labor depend at all upon the character of the farm? As between the good and the poor farm?

Mr. GODFREY.— No, sir, I don't know as it would.

Senator PLATT.— The location has something to do with it?

Mr. GODFREY.— Yes, sir, but if the farmer has some help he has no difficulty; if he has a son to help him he can get along in a way. Of course a farmer away off in the back country will have greater trouble to get help than near a large town or city.

Senator PLATT.— What do you think of a series of labor exchanges or bureaus throughout the State, either under the control of the Department of Labor, or under the Commissioner of Agriculture, where farmers can go and interview the men who want work personally, not where they would have to send away, but say take a series of them through

the State; where a farmer could jump into a train and go to one of these labor bureaus and look the men over and talk with them?

MR. GODFREY.— I am inclined to think it is a pretty good proposition. When he can come face to face with an employee there is a better opportunity to get the man you want than otherwise.

THE CHAIRMAN.— What does the farmer do to-day when help is not visible in his neighborhood and he has to send outside for it? Where does he go? What are the usual means to obtain it?

MR. GODFREY.— I don't know that I am competent to answer that question, because I never had to send off for help.

A DELEGATE (interrupting).— He shortens in his labor so that he can do the work with the members of his family; he draws in; there is a reduction of cultivation and a shortage of production results from this shortage of labor; he has to draw himself in; he shortens himself in; that is all he can do. He *must* shorten in; the result — he produces less because he cultivates less and raises less.

MR. GODFREY.— He simply lessens the amount of farm business, and he has to.

THE DELEGATE (from Oswego county).— Yes, that is it; he has got to do that if he can't get help.

THE CHAIRMAN.— Have you given any great consideration to the question of establishing employment stations in convenient parts of the State?

MR. GODFREY.— I have had a good deal of correspondence as Master of the State Grange, on that question — about labor coming from the city. I have given it a little study and thought, and I am inclined to think that if there were labor bureaus of that character where it could be arranged that labor coming into the country from other countries — not the ordinary kind of labor coming out into the country from the city, but laborers coming from other countries to this country — if they could be brought to the labor bureaus, expert labor, you understand, it would be a good proposition; I think it would be a good thing; not poor labor.

THE CHAIRMAN.— So that you could get them before they were spoiled by the cities? Come right through to the country and not stop at all in the cities?

MR. GODFREY.— Yes, sir, there is no object in starting a bureau of that kind just to get rid of the overflow in the city — people who can not find work in the city and they send them to the country.

THE CHAIRMAN.— Is it harder to get help that you need for the whole year than it is to get the occasional help you need to take in your crops in the harvesting seasons?

MR. GODFREY.— Not if you have the place to keep your men for the year. It is easier to find a man willing to stay for a whole year than it is a man who wants to go out for a day or two only.

SENATOR BAYNE.— A question or two: What do you mean by efficient or expert farm labor?

MR. GODFREY.— Just the same as is required in any one other business or profession.

SENATOR BAYNE.— It is a grade of labor which needs some experience and training in order to do well?

MR. GODFREY.— Yes, sir.

SENATOR BAYNE.— So that men coming from some other occupations who do not know anything about farm work would not be efficient, or able or expert farm laborers?

MR. GODFREY.— No, sir; any laborer coming along the highway would not be called efficient or expert in farm work unless he had been trained to it, unless he had had considerable experience in farm work. If he is a man that you can send out onto the farm with a team to do a certain piece of work on instructions, instead of following him around to show him what you mean — that would be expert labor.

SENATOR BAYNE.— He would have to know how to milk the cows, take care of the horses and do the ploughing — in fact, should know all of the farm work?

MR. GODFREY.— Yes, sir; he must know all that to be efficient so that he can go on and do the work under instructions while the farmer turns his attention and gives his time to other things on the farm.

SENATOR BAYNE.— Now, Mr. Godfrey, is not one of the troubles due to this: In the first place, the hours of labor are very long and the pay is relatively poor on the farm?

MR. GODFREY.— No, sir, I don't think so. The hours of labor on the farm are scarcely more, if we consider the time taken for meals, etc., scarcely more than they are in the factory.

SENATOR BAYNE.— How many hours on an average does the hired man have to work; how many hours of work a day would the hired man have to work on an average?

Mr. GODFREY.— Very seldom more than ten hours.

Senator BAYNE.— And on an average how much does he get for his day's work?

Mr. GODFREY.— In my neighborhood, a dollar and a half a day; something like that, and frequently a man has his house, his fuel, wood, and a quart of milk a day; that is about it.

Senator BAYNE.— Any other supplies?

Mr. GODFREY.— Well, he has a garden and takes care of that; fuel is furnished him if he gets it himself.

Senator BAYNE.— Is not one of the difficulties of getting labor in the busy season due to the fact that you want a man for a short time and he can not go a long way and get back again the same day, where you hire him by the day?

Mr. GODFREY.— Yes, sir, that relates a good deal to the situation.

Senator BAYNE.— Have you any difficulty in getting a man willing to work for you by the year on such wages as you pay?

Mr. GODFREY.— Very little.

Senator BAYNE.— Are these opinions confined to your state-wide observations, or merely within your own locality?

Mr. GODFREY.— For the last three years I have traveled from twenty to twenty-five thousand miles a year, meeting with farmers in every section and county of the State, and last year I attended over seventy meetings of farmers and I have a great deal of opportunity to converse with them on this subject, and I find about the same conditions all over the State, varied of course, according to the lines of farming carried on.

Senator BAYNE.— Have you any specific recommendations for the Commission with reference to this general subject that we are instructed to inquire about? What is the remedy for this trouble, this lack of farm labor? What can the Legislature do to help the farmer?

Mr. GODFREY.— It is a pretty hard matter for the Legislature to bring the farmer more money. I believe this labor question would be entirely solved if the farmer was getting the same compensation for his labor in the way of prices for his products as the manufacturers get for theirs. For instance, a prominent gentleman the other day, a manufacturer of Jamestown, New York, stated before a committee a short time ago that he was president of a manufacturing concern employing 1,000 men. He had interests in other manufacturing concerns, but this one concern, this one factory, had paid him a profit of 29 per cent. annually for the last three years. He owns a large farm, he says himself, practically as good as most of the farms in that vicinity, and that farm paid him a profit of 5 per cent.

Senator BAYNE.— On the value of the farm. Does that mean net?

Mr. GODFREY.— Yes, sir; a net profit of 29 per cent. on his stock in this factory.

Senator BAYNE.— And 5 per cent. profit on the capital invested in the farm?

Mr. GODFREY.— Yes, sir, 5 per cent.

Senator BAYNE.— Then his experience is better than some others of us.

Mr. GODFREY.— I have no doubt of it, sir.

Senator BAYNE.— I gather, Mr. Godfrey, that your feeling about this help problem on the farm is that it is largely an economic question?

Mr. GODFREY.— Very largely.

Senator BAYNE.— It seems from your views that it is a question of the farmers making two blades of grass grow where one grew before? How about producing a larger amount of crops. Wouldn't that help?

Mr. GODFREY.— No, sir; if we did that and increased our production, and all the farmers increased their production, prices would fall, just as would the prices of any product where there was over-production. Now, take potatoes: There was a shortage last fall, and look at the price of potatoes as they are to-day. You can not increase their profit and get the profit out for the farmer except — you can to a certain extent — but don't you see if every farmer should increase and double his producing power, there would be an overplus of products and the market would be so low that he could not get any more profit out of it by reason of his excess production.

Senator BAYNE.— Suppose you had increased or greater transportation facilities?

Mr. GODFREY.— We do have great transportation facilities at some times of the year than others, but if the farmer increased his production from the farm I don't think the quality of the transportation facilities would help the problem very much.

Senator BAYNE.— If I raised maple syrup on my farm at a dollar a gallon, and could sell it in New York for \$2 a gallon, it would not help me if the expense of getting it to New York might be as high as a dollar and a half?

Mr. GODFREY.— Exactly. I suggested that very problem at a certain railroad conference when potatoes were selling at fifteen cents a bushel at the time in Central New York, at that very time the consumer was paying \$1.20 a bushel in New York city. I suggested at this conference of railroad presidents, some senators and congressmen, if they wanted to help the agriculturist, and if the railroad wanted to help the farmer, they could better the situation very materially by having a sliding schedule or scale of freight rates; but then we have to go further than that and go down and get the consumers and get their co-operation in order to bring that about. If we get a car-load of potatoes which we would be willing to sell for fifty cents a bushel into New York, it makes no difference in the price, because there are a number of people — three or four large firms, that take practically all of the potatoes and handle them before the consumer gets them, and they fix the price to us and to the consumer, so there must be co-operation all along the line and there must be co-operation between them all in order to reduce this high cost of living.

Mr. SMITH (of the Commission).— Don't you think the lack of farm labor curtails the production of the farm?

Mr. GODFREY.— Undoubtedly, it simply curtails our efforts and that reduces the production.

Mr. SMITH.— Is it not true that in many instances the only means you have to accomplish the farm work during a large portion of the year is to exchange labor between you? And that that obtains to a great extent?

Mr. GODFREY.— Yes, sir, and that reduces the amount of production on the farm.

Mr. SMITH.— Now, if bureaus, labor bureaus, were established, say one in each county or a group of counties in the State, where the farmer might file applications for farm labor — saying that in a certain community there was a demand for so much farm labor, that by the development of some system or bureau of that kind, that farm laborers might go there and obtain positions readily, and also that the agriculturist might go there and employ help, wouldn't their interests be mutual under such a system? How would that do?

Mr. GODFREY.— Yes, sir, I think the system might be worked out in the interest of both the laborer and the employer.

Mr. SMITH.— Have you any suggestions that you have thought about for establishing bureaus of that character by the Commissioner of Agriculture, or by some other method?

Mr. GODFREY.— I don't know what I can suggest myself. I have been in the labor bureaus, conversed with some of them in New York and Albany, and found the class of laborers there, seeking labor, not of the class as a rule needed to do our work. It is a question — one don't often get a competent worker through these employment bureaus. Occasionally you can get a desirable helper. Of course, with State-managed bureaus, it might be much better. It probably would be much better.

Mr. SMITH.— Would it not be a good idea to get at some plan by which a man could gradually get some experience with reference to farm work?

Mr. GODFREY.— It might be; yes, sir. Anything to make him a good workman would do. I think that is all I have to say, gentlemen.

THE CHAIRMAN.— Mr. Godfrey, the Commission very much appreciates the very interesting information you have given us to-day.

Mr. GODFREY.— I am very glad to have been present, Mr. Chairman.

THE CHAIRMAN.— I suggested to the Commissioner, Mr. Pearson, that we would like very much to have on our records here, the names of the gentlemen who are here, and as well the sections of the State from which they come, and the Granges they represent, for we would like our report to show the kind of gathering we have had here to-day, as this may be the only time we may have to meet together under these conditions. I find Mr. Godfrey has the names all written out, and he has charged himself with the obligation of seeing that we get the names and localities of the gentlemen that are present. We are now ready to proceed and hear the gentlemen present.

SOLOMON SHARP, a delegate from Columbia County, residing at Stony Falls, engaged in general farming, addressed the Commission as follows:

I was going to say something about labor bureaus. In the City of Hudson, eight miles from us, they have three of that kind of bureaus, and our people have had a great many men from there during the summer time, and sometimes they get them in the spring, but as a general rule, they are men brought from somewhere else, or got from New York, where they go to get them. They are generally farmers, most of them Polanders, and they come and work for a while, agree to stay with you, but after a little while they get out; they don't stay long; something is the matter; anyway, they leave and go right back there to the

bureau, and the man that keeps the bureau also keeps a saloon and these men keep going back and forth, but they always land back at these places in Hudson again, and it is not very satisfactory, I don't think.

THE CHAIRMAN.— Where is this place?

Mr. SHARP.— In the City of Hudson.

THE CHAIRMAN.— Is it exclusively for farm help?

Mr. SHARP.— No, sir; any kind of help you can get, but mostly farm hands.

Senator BAYNE.— Do they furnish many hands to the farmers?

Mr. SHARP.— Oh, yes, sir; a great many.

Senator BAYNE.— The labor is not satisfactory, but they get men of a class — of a certain class? Do they ever get good, efficient help from there?

Mr. SHARP.— Some; yes, sir; they get some good men. Some of them work on a farm for a great many years, but as a general rule the men we get are easily dissatisfied, although some do stay for years.

THE CHAIRMAN.— Then you think such an agency, to provide help for the farmers, if one were established in the City of Hudson, under proper control and conditions—you think it would be a good deal of help to the farmers of your section?

Mr. SHARP.— No doubt about it. Our land is only half worked because our people don't think they can afford to hire labor, and the boys won't stay at home, but are leaving and going into the factories, while we work less time than do the mills and factories. Now, take my case: Me and my family together own about 1,100 acres of land—me and my daughters—but they are farmers, eight grandchildren, five of whom are boys, and naturally I supposed that they would be all farmers, and we have always looked forward to the time when they would take up the work on the farm and run it as my family has always done for so many years; but they don't want it and they would not stay on the farm.

Senator BAYNE.— Why don't they want to stay on the farm?

Mr. SHARP.— Oh, they seem to think they can have more fun somewhere else, and then they have got to have something new all the time, and new things are coming up all the time that employ so many boys. I was coming up on the cars the other day and I sat alongside of a young man that was coming up to Albany, and he was reading from a book, and I asked the boy what the book was and he said a book on civil engineering. I said, was he a civil engineer, and he said he graduated last year, and I said, do you work anywhere? He said yes, for the Good Roads Commission. I said, are there many there, how many are there, civil engineers? He says, fifty in my department, but there are more upstairs; and I said, how many upstairs, and he said a hundred; and I said are you all working on the roads this winter, and he says, no, sir, but we are working and getting ready our plans for next year. Now, I presume twenty-five ought to be a pretty liberal number to work on preparing the plans for next year, but give us seventy-five boys out of the hundred upstairs and we farmers would, perhaps, be better off; and that is one of the things that calls the boys away from the farm a great deal.

Senator BAYNE.— Don't you think that sending the children from the farms to the agricultural colleges of the State, or to the high schools throughout the State where they teach agriculture will interest the children and induce them to remain on the farm hereafter?

Mr. SHARP.— No, sir; there is a number of young men that went to Cornell, and I never knew any one of them to come back on the farm. I don't know where they go to; I can't get one of my grandchildren, the boys, with a hundred acres of good land ready to turn over to them. If I make them the offer they laugh at me. Now, how is that? You can't get them to stay on the farm, no matter what you offer them.

THE CHAIRMAN.— How large is the section of country with which you are familiar in Columbia County? Are you pretty familiar with all the details of the Columbia County conditions?

Mr. SHARP.— No, sir, I am not.

THE CHAIRMAN.— How serious is the lack of farm labor in your section?

Mr. SHARP.— Oh, I cannot tell you that; most of our people want to hold a man, keep a good man if they can. Now, someone, a little while ago was speaking about the number of hours—why, thirty years ago I used to be engaged in that business myself and worked hard on the farm, and we worked all day until sundown and then went home and milked forty cows, but to-day we have to fetch up our cows at about four o'clock and be through at six and have everything out of the way; that requires a great deal of labor. I used to think the days were too short then; now on the farm when it comes to four o'clock the help begins to look around to see whether the sun is going down or not.

Senator BAYNE.— Would you be in favor of establishing labor exchanges throughout the State at different points where the farmers could indicate their wants in the way of labor and be supplied?

Mr. SHARP.— I don't know, Senator; there is a place in Hudson city that has a good many people there. I know men that keep help for years, but those are exceptions.

Mr. SMITH (of the Commission).— Don't you think that if those bureaus were established under State superintendency, properly superintended, without incurring too much expense, properly managed, that it would relieve some of the evils that you speak of?

Mr. SHARP.— Oh, yes, sir; but you want to start further back, and go to New York where these people land and fetch good people and bring them up there, but it wouldn't do any good unless you had somebody there on the ground to get hold of these people.

Mr. SMITH.— In other words, your idea would be to have these agencies establish sub-agencies where these incoming farm laborers can be gotten at as soon as they arrive — one in the City of New York?

Mr. SHARP.— Yes, sir: every western farming center, through the railroads, probably, have agencies there in New York and they grab these people right away as soon as they land and start them off for the West.

A. H. WHEELER, Auburn, Cayuga County, N. Y., then addressed the Commission:

HONORABLE CHAIRMAN AND MEMBERS OF THE COMMISSION.— I am very much interested in this subject, and I am glad that you are interested in it, for we have a very hard question on our hands, a very weighty question. We feel it as farmers. I was born on the place where I now live and commenced very young to milk, and I have kept up that part of the work a good share of the time, and have a large dairy, and also do a large farming business. I have taken three headings here on which to speak, as follows:

First, does this exist, this lack of help?

Second, the cause of this lack of help?

Third, the remedy?

Now, the first heading, Does it exist? It does now. When I first started in to farming I found then no trouble in getting all the help that I needed and good help. I put in more hours of work, and there was no kick coming. The men took an interest in their work, and at all times they were ready, if it were necessary, which I never practice if I can help, to make long days, but if it were necessary they were willing to take hold and do extra work if that work was rushing. I also tried to use my men, and do still use them, as I would be used myself. I have a large farm and employ a good deal of help, keeping so many cows and running a route in Auburn for peddling milk, and for this reason it has been necessary for me to have a great deal of help. Now, there has come a change. Within the last fifteen years it gradually grew worse.

And now comes the cause of this lack of help. I said a few moments ago that I had spent my whole life on the farm, but with the exception of a year or two when I was teaching school, and at that time even I was running my farm by a tenant, and this lack of labor came upon me — getting good help; and I thought it was because I was boarding that help, and part of it employed only a part of the year, and I thought if I had a tenant house and kept my help by the year I would get rid of that excuse, when we are not able to employ the help the year round; so I went to work, at quite a little expense and built a tenant house, but I found that that even did not bring me out of my trouble at all, and I tell you candidly that I believe the cause of the lack of help on the farm is not whether he uses his help as others do, it is not the hours of labor alone, for as has been said here, we don't ask our men to commence work before seven o'clock in the morning, the trouble is that most of them will close up at six o'clock; now I have seen them drop the plow in the middle of the lot and go and put up the team the minute he saw by his watch that it was the hour of six.

The most we can do is to encourage them to take an interest in their work, and for us also to take an interest in their work and in our help, and you know, gentlemen, it makes no difference whether it is on the farm, in the shop, or in the factory, or in the big mill, but the man that runs those places are the men that take interest in their work, and in their workmen. Now, let the farmer try to interest these men. Well, I have tried; I have done everything I could, except to give my men everything I make on the farm, to interest them, but I can't do it. I have had men work for me nine years and kept raising their wages from time to time, to interest them and keep my neighbors from getting them away from me, and I have been up against it, too — up against my neighbors, when it came to my help.

Now, as to making them work longer than six o'clock at night, I don't ask them to do so; I don't ask it, and even before that rule was established I was one of the first to get my work done. We have done this and got through early summer and winter. Of course, I was around early on account of my milk route. With this winter I don't think there has been a day that my men haven't gotten away from five o'clock to half-past. Of course,

we're up at five o'clock and our chores are commenced at five o'clock, and at half past six o'clock many times during the winter our chores are done and the men go home.

C. P. BROWN, (delegate from Madison County).— At the time these men are working for you by the month is it not a fact that one-quarter of the time you know your men during the middle of the day are not doing anything? You don't keep them always busy, as in a factory, but there are many times that a man goes off to get entertainment —all lost time?

Mr. WHEELER.—Yes, sir.

Senator BAYNE.— You say that you can't interest your men so that they are willing to stay on the farm?

Mr. WHEELER.— No, sir, they are not.

Senator BAYNE.— Is not one of your troubles that you are too near Auburn, too near the city?

Mr. WHEELER.— I don't know, but I've been around a good deal and have had a pretty good chance to find out about this. If I had had time to think about this I think I could say a little something about the point, but about living near a city, I don't think that has much to do with it. But I've been around the country a little, and have been for fifteen years assessor right in my own town, and I happen to be one of those sort of fellows that looks around and sees things; and I believe in looking around and seeing how things are going on the farm. In going around my town as assessor I found from my experience that the farmers don't keep their men long enough; they don't want to board and keep them; if there happens to be a let-up in the work they don't want to keep them until things are moving along again, and when a man is let go perhaps he is liable to drift off toward the city. If you go into the farthest corner of our town you find the same thing there, in that part, away off from the city, where they can't get to the city; that idea is exploded in my mind. I don't think it makes any difference, because for this reason: When I want expert help I pay the price and I hire a man in the summer, or for eight or nine months, and keep him and board him in my house. Sometimes when I wanted this extra help I used to go to Auburn for my help, but I soon found out that those men standing around Auburn looking for work — you get them on the farm and start them in and the first thing is, they can't stand the sun, and they can't stand the work. I paid two dollars to two dollars and a half a day in the summer time for men to help me get in my grain, and I have seen the time when I was a boy sixteen years old that I could do more than any two I could hire. Those people are something that nobody else wants; men discharged from the shops, a bad lot, who only want to get a little money and spend it in the saloons; they don't help us at all

Now, about the remedy: I have thought a good deal about this, and I have tried everything. I don't know but your bureaus of labor are all right, but I don't like too many bureaus; they are pretty expensive, and as Mr. Sharp said about the civil engineer, we have too much machinery and too many men working where they could get along with a lot less and we have the whole expense; we have to foot the bills.

THE CHAIRMAN.— I desire, and I am sure the Commission does, to have as wide an expression of opinion as possible from those that are present here to-day, and unless there is somebody who objects to that procedure, I was going to go so far as to limit the speeches to five minutes each. Under that procedure we can get, I believe, the most satisfactory expressions of opinion. On this question of the lack of farm labor the Commission is going to assume that every one of the farmers, that the gentlemen present, believe that there is a lack of farm labor in this State, and we are going to assume that that is the fact, and that you will agree to it, and that it is an important fact, unless there is somebody who would like to be heard to the contrary.

Is there anybody who wishes to say that there is no lack of farm labor in this State to-day?

(No response.)

THE CHAIRMAN.— Then the discussion will be limited as to what are the causes of this lack of farm labor and what remedies have the speakers to suggest.

FRANK ARNOLD, of Broome County, then addressed the Commission:

GENTLEMEN.— In regard to a bureau, I was thinking it would be well if anybody that was going to put their name anywhere to give out as farm laborer, it would be well for them to have recommendations back of them, because when I get a man home and tell him to go out and do a certain thing, he is no use to me or to any farmer if I have to go out and watch and see if he does what I tell him to do right. There are many things to be done on a farm, that if a farmer had good workmen, would take that much worry and labor off him,

so that if we had some way of getting a good recommendation back of a man so that we would know that he was all right and knew his business, I think that would be all right; but the little bit of work you get out of a man that comes without any recommendation and who don't know anything about farm work, though he says he does, that is not good for anything.

We went to get a hired man and we got one, and my wife and I went away one day and left the hired man to do the work, and when we got back, my gold watch and a suit of clothes and the hired man were gone. If you establish a bureau we will have to have men in charge of it, that you could trust to give us the proper laborers.

THE CHAIRMAN.— We understand that the farming sections of the State are divided into four classes of farming, like fruit farming, dairy farming and so on. Now, the Commission would like an expression of opinion as to each of these separate branches of the farming industry. We would like to ask somebody to speak with regard to the dairy sections of the State.

HERBERT POTTER, Cattaraugus County, then addressed the Commission as follows:

SENATORS: I want to say a little word about the matter that Brother Sharp spoke about — the education of your farmers. I am a member of the Gowanda Grange, and we have in our Grange three boys who have taken the short agricultural or dairy course at Cornell University and they are all on the farm at present, every one of them. I believe there were sixty-one or sixty-two boys registered in their class, and I believe that fully 75 per cent. of those boys went back home to take up the work on the farm. I think that education and the help that the Legislature can give us through legislation is the best thing they can do to help the farm labor proposition.

Through our dairy section the farms are almost all dairies, a man with a dairy farm has his tenant house and keeps a married man, and when the boys are old enough to work, they help out with the work. We employ about six men, four to six, and we keep them all the year round. When it is stormy weather, of course, there are lots of times when there isn't work enough for the men and they might not work four hours during the whole time. We get up in our section about 4 o'clock and go to work, and then take an hour off for breakfast, dinner and supper, and we are through working almost always in the summer about 6.30 o'clock, and in the winter time about 5 o'clock.

THE CHAIRMAN.— Do you find it difficult to get help on the dairy farms in your county?

Mr. POTTER.— It is difficult to get help to do the work unless you are watchful of the help and see they do their work right. It is not difficult to get help to do the work right if you watch them.

THE CHAIRMAN.— Have you anything to say on the question of these farmers' agencies to provide help for the farmers?

Mr. POTTER.— We get Swedes and Polacks, but they are not satisfactory to our dairy farms, but if a man wants a little help for a while, or a man wants him just to pick strawberries, for instance, they will do, say twenty-five or fifty at a time, but not all the year round.

THE CHAIRMAN.— Have you any remedy to furnish us to improve this lack of efficient farm labor?

Mr. POTTER.— I don't see how the Legislature could help us unless they will educate these men to be more efficient.

L. L. SHEPARD, of Batavia, Genesee County, then addressed the Commission as follows:

GENTLEMEN OF THE COMMISSION.— I have had a good deal of experience with all kinds of help, and the remedy is what we are after. If the bureau can furnish us men that they can guarantee and their qualifications made up and found out before the men are sent into the country, we will have the thing in better shape. Now, I engaged men that went into the labor bureaus and sometimes I got a man and sometimes I didn't; sometimes I went there and they wouldn't have anybody. I'd ask them if they had a man to do farm work, and they'd say yes, and they wouldn't have anybody at the time, but the man there in charge of the bureau would say there was a man in here yesterday or there was a man in here this morning; and I have always found a good deal of trouble in getting good help from these labor bureaus run by private individuals. On three or four different occasions these agencies sent me men that didn't know anything about farm work. Then on another occasion I had four men direct from Germany — on four different occasions I got men direct from Germany, that couldn't speak a word of English and I never got better help in my life. I have kept them three or four years at a time. I have one of the best men in my tenant house now that I ever had.

Senator BAYNE.— Did you get your German help from the exchanges or labor bureaus?

Mr. SHEPARD — No, sir, from Germans that lived in this country, friends or relatives of theirs, and they came over here and they solicited me for employment. They came to me recommended by persons I knew and who knew them, so that I had every reason to think everything was straight, and they all turned out well. I don't think there is any better help in the world, but the point is that just as soon as those men became Americanized, and got familiar with our country they either became farmers on their own responsibility or went into the cities into the factories.

Now, in our city we are surrounded by the stone quarries and they take all of this foreign help into the quarries, and Batavia is a manufacturing town also, and that takes up a good deal of the help, of men that should remain on the farm; so, there is a great deal of need of what Mr. Godfrey called "efficient labor." I had a neighbor of ours that sent to New York to the bureau there for help. He was in a hurry for men, and it was two or three weeks before any help came and he kept writing and writing for help. Finally, it happened two men came, or were sent up from New York — one single man and the other a man with his wife, and the man with the wife when he got up there, they asked him if he had ever farmed it and he said no. Now, the other man was a young man, and he made a good worker, but the other man was sent back to New York and he didn't have money enough to get back with from the bureau in New York, for the bureau there said the other man would pay his expenses, which he had to do — the farmer paid his expenses back to New York.

R. E. SIMS, dairy farmer, Little Falls, Herkimer County, N. Y., then addressed the Commission as follows:

GENTLEMEN:—I think the farmer agency would be a very great benefit to us through the Mohawk Valley, if there could be one established at Utica or Syracuse. We want the kind of help that we can use. The farmer wants a skilled laborer in his work. If he knows how to care for stock in Holland or Germany or any other country, he knows how to care for stock in the United States, or in New York State, and if he is familiar with farming in his own country, the chances are that he will make good on a farm in this State, even if he don't understand our language.

One question I want to ask the Commission, Mr. Chairman: Do you wish to find employment for other people as well as to find help for the farmer?

THE CHAIRMAN.—One of our problems is the question of unemployment; yes, sir, they bear a relation to each other.

Mr. SIMS.—The people that come from the cities all come as inexperienced laborers, and come and demand for their labor the same wages as we pay men that have experience and been on the farm all their lives, who have made a business of it. One of the troubles we find is that a man coming from the city without experience is expected to come to the farm and get \$35 a month wages and \$35 worth of supplies furnished them. If those people would be willing to come there and serve a sort of apprenticeship at a moderate salary, it would be all right, and a man would probably make good with a little experience, but you can't take a man who has never done farming and pay him \$35 a month and board and he know nothing about what to do.

THE CHAIRMAN.—I understand the Commissioner at this meeting of the Committee has arranged for a representative from each county in the State, and if there is no objection we will call the names of the counties.

S. M. BROWNING, dairy farming especially, at Massena, St. Lawrence County, N. Y., then addressed the Commission as follows:

It is a difficult question that we are seriously up against, and a great many of the farmers in my part of the country are cutting down the dairy because we cannot secure competent help. Others are putting in milking machines, and these, in my opinion, are injurious to the cows, and it is my opinion that a labor bureau would be greatly appreciated in our section of the State.

THE CHAIRMAN.—Does that practically embody your suggestion of a remedy for the lack of farm labor?

Mr. BROWNING.—Yes, sir, I think it would be.

C. W. DELOVE, of Steuben County, engaged in raising grapes and growing potatoes, what you might call general farmer, then addressed the commission as follows:

GENTLEMEN.—We need much help in the fall up our way to gather in our grapes and potatoes. For a long time the hired help we got was not what you might call a high grade

class, but last year I brought over five men from Pennsylvania, and we liked them very much. They became used to us and our ways and they stayed with us till the end of the season, and agreed when they left us that they would come back. The question with us is, now that we have become used to good help from Pennsylvania, can you furnish help of that material at a time when we need them most at say a dollar and half a day and their board? When they went away they were satisfied and promised to come back again and bring others as good with them.

Our farmers continually raise a great many potatoes and we won't need much help except in the fall for about four weeks. We are lucky up there to be able to get the Pennsylvania men.

FREDERICK IVES, Ticonderoga, Essex County, general farming, then addressed the Commission as follows:

In our section we are short of labor a great part of the year. We have employed some foreign labor, procured through some of the agencies in New York, some of which has been satisfactory, and some very unsatisfactory. We find the Swedes and Germans most satisfactory. My personal experience is this: About ten years ago, I think, I became a farmer by the purchase of two hundred and eighty-five acres of as good land as anybody could want, and undertook to till the soil. I found I couldn't get labor or help that was of any value to me, so that I could make it profitable and I had to give it up and confine myself to a small dairy and what I could make from the sale of my hay. Now, that is the experience of most every one throughout our county, I think, and at present we are about to be put still in a woe way unless the Reciprocity Bill in Congress is killed. That bill will take from me alone five or six hundred dollars a year by taking the tariff off of hay, and I think this Commission can help the farmers in this county and throughout the State in assisting in killing that bill as well as any way I know of.

Senator BAYNE.—Senator Platt, of this Commission, says that the Reciprocity Bill with Canada does not affect hay, only food products.

Mr. IVES.—Well, I understand it does, and some days as high as forty or fifty car-loads of hay comes through the Customs House at Malone.

THE CHAIRMAN.—Have you any suggestions to make as to the remedy for the conditions in your section generally?

Mr. IVES.—I don't know as I have, except if we could get some labor before it settles in the city, or before it comes to this country — if you could send to the agencies and know we are to get that kind of labor, I believe there would be some work done on the farm.

Senator BAYNE.—Have you tried the labor agencies, or exchanges?

Mr. IVES.—No, sir; my remedy was to build tenant houses and employ men with families. I keep two men regularly, but, as I say, I have had to confine myself to my hay crop and a small dairy, although it was my intention to go into general farming.

THE CHAIRMAN.—You need different kinds of experienced men in different seasons?

Mr. IVES.—Yes, sir.

THE CHAIRMAN.—Do you get this help?

Mr. IVES.—I have trouble to get even help from our vicinity. There are paper mills and iron ore mines that take all the good help around us. We get some help, but a pretty poor quality.

DENNIS FOX, of Ausable Forks, Essex County, general farmer, then addressed the Commission as follows:

GENTLEMEN OF THE COMMISSION ON FARM LABOR: I have a remedy to suggest. Educate our boys and girls and try to interest them as to farm properties, and I think it would be a good way to keep them on the farm. I have a boy about thirteen years old, a pretty bright boy, too, and he says he is going to be a farmer, and I try to teach him agriculture, as much as I know, and he seems to take a great deal of interest in it. I think if the farmers would try to interest their boys and girls in the science of farming it would be a good means to keep the children on the farm. I hope the legislators at Albany will help us farmers to get what we need, and have agricultural colleges throughout the whole State where our boys and girls can go and get an education.

THE CHAIRMAN.—Has not the State been very liberal along that line?

Mr. FOX.—Very liberal; yes, sir, but I think they can be more liberal still.

THE CHAIRMAN.—Would that solve the question of the coarser kind of labor?

Mr. FOX.—No, sir, but a knowledge of agriculture on the part of the boys and girls as taught in a school or college, would, I think. Give them opportunities for an education on those lines.

Senator BAYNE.—It is the expert labor that you seek on the farm?

Mr. Fox.— Yes, sir, but I can provide machinery that will do the work and then use coarser labor.

JAMES WHITE, general farmer, Saranac, Clinton County, N. Y., then addressed the Commission as follows:

I live in the northern part of the State near the border line of Canada.

THE CHAIRMAN.— What kind of farming?

Mr. WHITE.— General farming; our main industry is potatoes and dairy farming. We have a great deal to contend with from the labor question. We have a great many Italians in our part of the State, and we pay as good wages as we can afford to pay. This class of help does not interfere very much with the farmers, because it is mostly Italians that are employed there on the good roads — more Italians than anything else, and unless you take them in gangs, with a man in charge of them we haven't much use for them. I heard one man speak about the Polanders. We have had some experience with those Polanders, and they make very good people. They adapt themselves readily to conditions, and we have some good ones. We have a great deal of trouble in hiring competent good men, and I think some of those foreigners, if they were hired right, and we were patient with them, we could make good farmers out of them. I was driven, some five or six years ago, because of the shortage of labor, to take a boy from the Rochester Industrial School on parole, and he worked his parole out thoroughly and stayed with me about five years and was one of the best boys I have ever had, but he learned that there were better wages somewhere else and there were better inducements handed out to him, and he left.

I had another first-class man who was connected with the State, who was from Clinton Prison on parole, and they are all men from there eligible for parole, and some of those men are very good men, and by treating them well we can get along with them. They are generally men confined for some small offense and a great many of them we found committed the crime charged against them through ignorance, and by the use of kindness and treating them right I find they adapt themselves to the work and make very good men. I have a parole man now, a Polander, and he didn't know anything about the farm or farming, but in less than a week he could milk as many cows as I could and he now makes an extremely good man.

Senator BAYNE.— What do you think of this question of farmers' agencies throughout the State?

Mr. WHITE.— Some years ago I was secretary of the Mora Grange of Clinton County, and was called upon to speak a few words on the question of labor, and I suggested that we have an agency in New York to get some of the immigrants that were coming in from foreign countries into the State and get them to come and work on the farm, and my name leaked out some way that I was the agent for Clinton county, and in a week I got about three hundred applications for work. Some of our people did send for them to go to work. Some of them, I believe, are in Chazy, or up there working, but the greatest trouble is if a man sent the money for a workman to come on from New York, we take a big chance and we don't see the man, or a man that you never saw and know nothing about his habits or honesty or whether he drinks; you have to take all these chances. I think there is a class of immigrants that, if they could be induced to come into the country, and were treated all right they would be good men. If you had labor bureaus that could be depended upon you might get men that would fill the bill.

Then another thing, it might be a good plan for farmers to draw on these prisoners in Clinton Prison or wherever they are, who are held for a minor crime, who have no homes — the farmer might take them in and get good work out of them and it would be a benefit to the boy or man, and he might be taught to do good work for the farmer.

J. R. WINN, Greenwich, Washington county, general farmer, then addressed the Commission as follows:

The farmers in my section are general farmers, most of them. There have been in the past a great many potatoes raised there, but owing to the fact that it has been hard work to secure help, that has been largely done away with. I don't know that I can add anything to what has been said with regard to the trouble of getting help. A great many farmers in Washington County, who can not procure help, have largely used their lands for pasture and gone in for raising sheep, and along the lines of the least resistance, that is to say, along the lines requiring less help; but I think in the past if the farmers had not tried to hold a cheap brand of workmen and had not tried to get too much for their money, and had not insisted on too long hours, there might not have been difficulty in getting good help now.

A man asked a friend of mine for a job and he asked about the wages, and the man wanted thirty-five dollars a month and his board, and stated the number of hours he wanted to work in a day; I think the man thought he ought to be through by six in the evening, and my friend said: "I can't afford to pay that; we don't have very long hours here, as we don't get up until 3 o'clock in the morning and we always go to bed by 9 at night, and I can't afford to pay those wages."

It is my unbiased opinion that if the farmers had a little more consideration for the men they employ they would have less work and trouble in getting good help.

Senator BAYNE.—Mr. Winn, what do you think of this question of labor agencies?

Mr. WINN.—Well, I have known people to get help in that way, but it was not at all satisfactory. My experience is that it is not at all satisfactory — not as now conducted.

Senator BAYNE.—But if properly conducted by responsible parties — say under State control — what do you think about that?

Mr. WINN.—Well, it may be satisfactory, I don't know; I haven't made a particular study of the matter of labor agencies.

JOHN PETTIS, Greenwich, Washington County, dairyman and general farmer, then addressed the Commission as follows:

I am a dairyman and general farmer. What we want, gentlemen, are reliable American men that we can trust. And I don't see, gentlemen, how we can get them until we can pay them more wages, and the question is, can we pay them wages on the prices as they are to-day, with the volume of farm business from farm products being put out at these prices? Now, unless our business will enable us to pay those wages, or as high wages as in any other line of business, I don't see how we can get a man and keep him. I just had a man for four years, but he is expensive, he is not swift, but he is intelligent, and when I came down to the State Grange I put him in full charge of my farm; but I don't know how we can get many such help, because we can't pay them the wages they ought to have. I don't believe in labor agencies, because they probably will have the same cheap labor that we get now.

Senator BAYNE.—The problem is to put the jobless man into the manless job. The man that wants a job would have to hunt for and find the man who has a job and wants a man to fill it, and you have to bring those two men together, do you not? And how can you do that unless you have some common agency where they can both go, each saying what he wants, one man wanting help and another man looking for work, and having a responsible agency, an intelligent agency, to carry out the ideas of both — to give what each wants. It depends upon the agency. We are assuming that we are going to get, if anything at all, an experienced, intelligent, well-advised and well-equipped agency, which will learn by experience, and when we get the agency of that sort, then the theory is that the jobless man will find the man who has the job; that is the theory, is it not? I have not had experience with that sort of thing myself, but some, or many of you gentlemen have, had that experience. Now, we must get together and see if we can solve the problem, or help to solve the problem. Is there any other way to solve it? There are plenty of men who want a job and plenty of men who want a man, and want a good man, and the question is to know where the good man is and how to get him.

GEORGE L. COREY, Saratoga Springs, Saratoga County, general farmer, with dairying as a specialty, then addressed the Commission as follows:

I employ a man by the year, with a tenant house for him, and yet I have a great deal of trouble to get competent help to live in that house the year round. The only help I can get is generally somebody who is not a temperate man, take him far away into the country and he can be trusted a little better. My opinion is that a labor bureau, properly conducted, would help out on this subject. I have had men from New York and men from our own section, and both kinds occasionally make good men, but as it has been said here before, the matured man, the experienced man, the expert laboring man is the man we are after and the man we want. One way the State can help us is by the education of our boys in the agricultural colleges or schools. I am sure the boys that are taking the agricultural courses are coming back on the farms, but the boys who go to college and take the general course do not come back, but where they take an agricultural course they come back to the farms. I have two boys, and one is in college now, an agricultural college, and they both want to come back to the farm.

E. B. CURTIS, Lewis County, dairy farmer, production of milk, then addressed the Commission as follows:

Of course I run my farm and have had the usual difficulty in securing good help. You have a man to-day and to-morrow you are liable to have no help; they go when they please; you may hire a man for nine months and two weeks before haying you haven't got your man — he is gone. I think the trouble is about the same all over the State and it is one of the greatest troubles the farmer has to contend with, and it has been agitated for a long time, and to discover the source where this first-class labor can be obtained is what we want. It is barely possible that with a labor bureau this help can be obtained if it is examined carefully to see that the man is competent to go out to work on the farm, but it is a great objection to introduce this foreign help into the dairy section, for if he goes into the dairy section he must be there a long time before these people become efficient helpers.

There is not a man here who wants to put his men at work milking cows unless they are first-class milkers, for it injures the cows. In certain districts they can be used, but not in dairy farming. It seems to me it is quite a question, because one thing is certain—in the dairy district they must live with you a certain time until they are capable of doing the work so that you can trust them.

F. D. BURGESS, Phoenix, Oswego County, general farming, then addressed the Commission as follows:

GENTLEMEN.—My observations don't go back beyond seven years, but in the community where I live there is not a child or boy over twelve years old; Roosevelt said it was race suicide we were coming to in this country. Only a few years ago the same community was producing their own help on the farm. We will all have to admit to-day that it is hard to find a family in the country with ten children. My observation is that we have got to put more energy into the work. Use good machinery. My wife's father who had the farm I now have did all his work by hand and in the course of time I took up the work on the same farm and put in up-to-date machinery and at the end he agreed I had done well for a greenhorn and to do it to-day is no different than it was then. Where he produced four tons of hay off sixteen acres, I produce twenty-five tons of hay to-day so that I think better machinery will enable a man to produce more and better products. I depend on day help and keep nineteen heads of stock on fifty-six acres of land.

THE CHAIRMAN—Your point is that better methods and better machinery will make the work more profitable and will pay better.

Mr. BURGESS.—Yes, sir, I do, I claim that very thing.

W. W. ROWNS, Oswego County, N. Y., general farmer, then addressed the Commission as follows:

I have thought a long time about this proposition. Millions of dollars have been spent in giving agricultural education at the Agricultural School at Cornell. Very few of the poorer class of farmers can get their children to Cornell. If those millions were divided up into agricultural schools and one established say one in every county with these agricultural schools and bureaus of labor—labor bureau if you please—where you may take these foreigners and educate them for a few weeks I think it would go far to solve this labor question.

WILLIAM BLODGETT, Albany County, N. Y., dairyman and truck gardener:

The County of Albany perhaps might better be classed as a general farming county. Speaking in regard to tenant houses I think I can go over the County of Albany and in every neighborhood and find empty tenant houses without anyone occupying the houses, that have stood there for four years, good available houses. What we want more than anything else in my view of the case is not alone a comfortable tenant house but we have got to pay good wages, for I don't think we should ask him to work for nothing. I think the farmers are as a rule willing to pay good wages for their help, for good help, but the help we get is help from the intelligence offices—I don't class them as bureaus of labor—we get some help that travels out from the City of Albany but that is not the kind of help we want, although it is the best we can get. In our truck growing we employ some Italians. On some jobs where you have four or five together they make fair help, but they can't be trusted alone. I think a labor bureau properly conducted where the character of the men can be investigated so that you could get good help might be a solution of the problem. I don't believe we are going to grow any more children than we have been doing in the last few years. I raised a family of boys, I have four, and I

have tried to keep them on the farm. Two of them are on the farm and love the old farm, but the other two I cannot keep there if I tried my best. We have always been farmers up to this time and never anything else; but I think the labor bureau is the best solution I can see for this problem.

ARTHUR COY:

GENTLEMEN.— I represent a general farming district and one of the industries is the raising of gladiolus bulbs. Personally I have no trouble in securing experienced help because I pay them sufficient wages— wages anywhere from \$1.75 to \$2.50 a day. My man on the farm I pay \$40 a month, give him a garden, firewood, milk and keep a horse which I allow him to use once in a while. Five months in the year, as I understand it, the farmers don't need this extra help, practically five months, and it looks to me as if it were a problem to take care of the labor during the other seven months. In the State of New York there are different industries that require different kinds of help. Now you take the small berry crop; I know a great many men are employed in picking berries in the spring and early summer and when they leave the berry growing they go into the hop district where they pick hops during the season and this class of help is mighty uncertain as they won't stay long in the one place. The most of these men are "Weary Willies" or "bums"— I don't care what they are, they are generally no good for steady help. But I always treat them as an honest man as long as they prove themselves reliable, and otherwise they can go. They are good in a way but not good for steady farm help. Now perhaps a bureau or agency that would advise as to a man's character might be an excellent thing, but ask the bureau to guarantee the character and honesty of the man. I am willing to take my chance on men turned over to me from the bureaus at any time. If you get good help you have got to pay the wages, decent wages, or they won't stay. Two years ago I had a strike and my men wanted \$2.00 a day and it didn't take me a second to say "Of course you can have the \$2.00 a day." On September 21, which was my busy time, if they had come to me and asked for \$3.00 a day I would have paid it before I would let them go. It is a difficult question for me and I don't know if I can say anything to bring it out. You can't hold those hoboos and they don't make decent help anyway or not the best kind of help and I myself like the Italian. If you get enough of them with a boss they work allright.

Senator BAYNE.— How many do you employ?

Mr. COY.— Fifty to sixty in the fall. I did have sixty-seven men outside of my experienced men.

THE CHAIRMAN.— Have you ever had any experience with the State Labor Bureau in New York?

Mr. COY.— No, sir, I collect my labor myself. I pay them decent wages and make them comfortable.

FRANK SHERMAN, Columbia County, N. Y., dairy farmer and member of the State Grange:

GENTLEMEN OF THE COMMISSION.— My business is dairying and the western border of our county, or along the western border of our county the people devote themselves largely to growing fruit. I have had some experience with New York and also with the Department of Agriculture. I have had men from there and I am sorry to say that they didn't prove very satisfactory help. I now have in my employ a Polander that I have had about four months, and a competent man from the Bureau of Employment in New York, and a pretty good man. He is a good workman and a man who has had experience in his own country and I believe, Mr. Chairman and Gentlemen of the Commission, that if you wish to help the farmers to advantage, if you wish to help the farmers of this great State, you will act so as to secure or establish co-operative bureaus on the other side to bring over help who are farmers in their own country. Now, if we could get that kind of help here, or if we couldn't get that kind, if you had some bureaus established like you speak of, and allow men to become skilled and then distribute them among the farmers it would certainly be of great assistance, and we certainly need the help.

GEORGE E. HOUSE, Ulster Park, Ulster County, fruit farmer, N. Y.

My immediate section is a fruit section. We need skilled labor to cultivate our crops. The ignorant or unskilled labor for picking fruit is all right but to cultivate we want good help and are willing to pay good wages. This bureau business may be all right if the help can be guaranteed, otherwise not.

THE CHAIRMAN.— What wages do you pay your men?

Mr. HOUSE.— Monthly hands from \$30 to \$35 a month, and day help is paid from \$1.50 to \$2.00 a day without board.

Senator PLATT.— You run how long? How long do you need this help?

Mr. HOUSE.— Generally from nine to ten months.

Senator BAYNE.— What do the men do the other two or three months?

Mr. HOUSE.— They get work wherever they can.

J. C. ALLEN, of Clinton Corners, Dutchess County, N. Y., general farmer and dairyman, then addressed the Commission as follows:

First I want to approve of this idea of sending out foreigners and also approve of the idea of educating these before they come. I will give you my personal experience first: I believe that the tenant house employment is what we need; farmers should have tenant houses. I have had no trouble in getting help under those circumstances, but if you get a class to fill those tenant houses as spoken of by this other gentleman — if the Commission could get these foreigners and educate them in such a way, either by the State or under some instruction in institutions owned by the State, in that way to try them out and then send them into the country to go to work, I believe that would be a solution of the question. Then they have children also and if those children could be educated, it would also help to solve this question. As a rule, it is a milk country in Dutchess and they employ help the year round, and with the exception of the harvest crop, or the help needed to gather in the harvest crop, the help there is generally kept the year around. The Polanders and Swedes make good farmers and the permanent men that won't leave you when the first thing comes up to displace them are the best help and the help we want; and they will remain all the year around and if they could be secured in this way, I think it will help to solve this problem to some extent.

Senator BAYNE.— How many do you employ?

Mr. ALLEN.— Two at present.

Senator BAYNE.— All the year around?

Mr. ALLEN.— Yes sir, the year around. I give them proper wages — I don't pay as high as some of my neighbors — but I am securing the best help because I give them a tenant house, good wages and as good privileges as I have myself — I give them a tenant house, a garden and time to work their garden, or they take what they want from my own garden, and then I let them have a horse occasionally, and, as I say, they have the privileges that I have.

Senator BAYNE.— How do you get your help?

Mr. ALLEN.— Well, I pick it up around there.

Senator BAYNE.— How much have you been paying?

Mr. ALLEN.— About \$360 a year. I keep about twenty Jersey cows for cream — and I have no trouble in getting many at this price. I have a colored man from Virginia that has been with me for about eight years. Another man I had three years and another I had two years. I think the farmers who have their tenant houses are better off than those who haven't them. Now these farmers that come here looking for work from foreign countries, instead of being sent on West could be taken and tried out and then sent up to us to live in these tenant houses, and it would, I think, solve the question.

EDGAR T. HOYLE, of Brewster, Putnam County, N. Y., dairy and general farm products:

The conditions in my county are much the same as the gentleman before me said about Dutchess County. The great trouble is that you can not get good workers. We must have men that will go into the stable and milk ten cows an hour, and while I can go to Greenwich Street, in New York City and get help, they will go back there once a month to get drunk and that keeps back the work. But we want the man that keeps sober. Since our town went "license" we have had much less trouble to get the men to stay for the price and do our work, if he don't have to go so far away.

GEORGE B. SMITH, Sequoit, Oneida County, N. Y., dairyman and general farmer — mostly dairying — then addressed the Commission as follows:

I have never had very much trouble in getting help. I usually pick up my help from the neighborhood, men I have usually been acquainted with. I take them right into my family and make them one of the family; that is one objection I see to having a stranger — you can't take him into the family. I intend to use a man as well as my family, and I want him to eat at the table with us and take an interest in our work, and therefore a Bureau of Labor wouldn't quite meet my case. I think the Bureau

would be up against the same proposition, because I think unless they sent out good, steady, honest, experienced men that they could guarantee after investigation, there wouldn't be any use of putting a strange, inexperienced man to work. And also I think a farm should be run on regular hours if possible and not make too long days. And another question we are up against is the manufacturer. If we get a good man, after a while he goes into the factory and that is the last we see of him on the farm. He would rather remain where he knows his exact hours of work and has his time off from Saturday afternoon to Monday morning; and for that reason —

Senator PLATT.— He would rather work at lower wages in the factory than he would for more on the farm.

Mr. SMITH.— Yes, sir, I think he would, because he gets his time off.

Mr. I. S. SEARS, of Derida, Madison County, N. Y., fruit grower, then addressed the Commission as follows:

I would say that I am fruit mostly. Now, I would like to know where the competent jobless farmer is to-day? Now, you say there are jobless men seeking jobs — where are the jobless men? If there are any I don't know it. We have lots of help there we don't want, but I don't know of anywhere in the State of New York or United States where there are any jobless men such as the farmers want. The only way to do anything with those men who are jobless and don't know how to work on a farm, is to educate them. I believe the Legislature should take means to establish schools and induce the boys of the country and good reliable steady chaps from the city to go into these schools and get an education so that they are fit to fill the manless job that the farmer has, and in one or two years it will fit them for that. What we want is more agricultural schools and then they will be making good farmers and if it is impossible for men to take this course, I don't see how they will ever be any use on the farm, and if they do get educated in these agricultural schools, they will make the kind of help we want.

WILLIAM OCUMPAUGH, of , Schoharie County, N. Y., general farmer, then addressed the Commission as follows:

Gentlemen: Some of the gentlemen who spoke back here, spoke about the children. That is the trouble with us. I live in a town of about 120 inhabitants, and we have had but two births in eleven years. I think some of the reasons why there are so many vacant farms to-day is because of the lack of help, and this is where the Commissioners can help us up in our county.

BERT CONRAD, Marathon, Cortland County, N. Y., occupied principally in dairying, then addressed the Commission as follows:

The problem is rather serious in that county. I think we could use as much help again if we could get them, but I think the trouble with a great many of the farmers is they don't have machinery and the implements that they should have to work the farm, and I am in sympathy with the brother that said they don't raise children enough. They depend too much on foreign help. Whether you gentlemen can help us much in that result, I don't know. I think they should help themselves. The great trouble in our section is *that*.

S. J. VORHEES, Amsterdam, Schenectady County, N. Y., general farmer and dairyman, then addressed the Commission as follows:

I have had some experience with a labor bureau in New York, at No. 23 Park Row, but have had no luck up there. I think if there was a labor bureau where they tried to get men from the north of Europe, Swedes and Norwegians and good foreigners, it would be a good thing.

Senator BAYNE.— The contract labor law would prevent that; that is the trouble.

Mr. VORHEES.— We get ignorant workmen from the foreign element that won't work because they have no interest in us no matter how we try to use them.

F. E. DOWLING, Fayetteville, Onondaga County, N. Y., principally dairy farming, then addressed the Commission as follows:

Our section is given over a great deal to dairying, some alfalfa growing and some fruit-growing. Our experience — and I think it will be borne out by the majority in that section — is that we can get men if we pay them remunerative wages with rent, so that they can afford to live decently, and keep them in farm-houses, and thus keep

them on the farm. The trouble is that men who have to work 365 days in a year can do better in business lines or in the factories than they can on the farm. I believe such a bureau as indicated would do a whole lot of good. If they could get experienced labor and could induce them to come into the country and learn to be dairymen and stop there, it would do us a lot of good. If it is your idea to establish a labor bureau simply to pick up the "riff-raff" of the city and turn them loose on us, we don't want them; but if you could get the other kind, the experienced kind, the good class of labor, we want your help.

THE CHAIRMAN.— If we establish a bureau or bureaus, it would probably work in co-operation with the Department of Agriculture, which you gentlemen directly control yourselves; and they could be relied upon to send out competent and not incompetent labor.

Mr. DOWLING.— Would it be able to induce those men to remain here, and not go west? Lots of them go west without as much inducement as we can offer them. The trouble is that the railroad lines and the steamship companies, by selling tickets, leave them go right through and on out west.

THE CHAIRMAN.— That is a matter in which I should think the Commissioner of Agriculture could make himself valuable to the farmer — by stating or setting forth the advantages of the farms of this State.

BURT SMALLY, Interlaken, Seneca County, N. Y., general farmer, then addressed the Commission as follows:

I believe that a bureau of labor would be beneficial, although I have never had any experience myself with getting that kind of help; but I want to say this: If you had a place where they could be educated up to farm labor, then if a bureau were added to that, I think it would work out alright. When I was a boy, a great many years ago, within a mile from our home we could get fifteen men for our harvest field; to-day the same houses are there, but they are not occupied; and then we used to get them for \$150 to \$200, with a small garden. Now it is not the man and the wife that would come there; but, if they were willing to stay, it would be their children that we would be able to rely upon and know that they were competent when they grow up. Of course there is a difficulty to it: we might get good men to come into these houses, and on the other hand we might get some that would steal us blind. I should say, as to the Bureau of Labor, that I don't see how the problem can be overcome unless the State does do something like that and provides us with what might be called official labor. I should think it would be a good plan for the State to buy a large farm and then put these people out on it to try them out for a month; and then to put him to work, and then the Commissioner of Agriculture could take charge of these things and see that they were carried on right.

M. A. LOVE, West Town, Orange County, N. Y., dairyman, then addressed the Commission as follows:

It is hardly necessary for me to say that our county is composed of dairymen, for that is all we know there. As I understand this question, what you want to know is whether a bureau established or bureaus established throughout the State would benefit the farmer. I should say without question, "Yes." There are a few things that you can do for us, and a great many things you cannot do for us, as legislators. If there is any need of efficient help — as has been suggested generally here to-day — you can not produce any great quantity of it, but at the same time some of the farmers have said that our farm help was a good thing to have. I have seen both good and bad farm help. Now, as Senator Bayne, of your Commission, expressed it, is there any man that wants help; and if so, and there is a man that wants to work, the thing is to bring them together. We have perfect confidence in our Commissioner of Agriculture; and if he controlled it, this refuse from the cities would not be sent out. We know that the Bureaus of Labor heretofore have been run for the dollar to be got from the men they sent out, and I don't need to say anything more about that kind of labor. Now, we understand that there is not enough efficient help; and I think I understand the reason, and one reason may be that we do not know how to get enough out of the farm, or we do not get enough for what we get out of the farm. It is a question of paying the same, or being able to pay the same, wages as the other fellow does. Now, I think we can educate the boys to make them competent to get more from the farm, and thus pay his labor more. I don't think there is any question about that. And if he don't

get more out of the farm than we are getting at present, he would be pretty bad off. We have come into competition with everything that we produce, and we have had to compete with high prices; and we have been getting it from both ends, and the little there was left in the middle has not been enough to pay the labor as they should be paid. In other words, we have been getting low prices for our own products and have had to pay high prices for what we couldn't raise and have to have. We have been done by the seller and by the buyer.

T. E. MOREE, of the Bronx and Tioga County, N. Y., then addressed the Commission as follows:

I live in the Bronx, but my summer home is in Tioga County. I have been engaged in social work in New York City for about four years, and as a social worker in the settlements there I became interested in labor problems on the farm and became interested in social problems and having an entree to the labor employment bureaus, I made it my business to go there every time I could. I became interested particularly in seeing the Danes and Swedes and the best of the foreign laboring element take wagons or carriages direct from the pier or landing and go to the station without coming into New York at all; simply hurry through the country because of the advantages of the West, as they had been pointed out to them so glowingly. It seems to me that this special point of interesting the arriving foreigner in the rural or country districts of this State has never been properly taken hold of by those most deeply interested on the farm. It seems to me, after my experience in summer vacation in the country and my experience with social work in New York city — it seems to me that what the State of New York wants, and what all the States in the East want — I am speaking particularly of New York State now — is a bureau of information properly equipped with interpreters who will properly present the advantages of life in New York State, the same as the agent of the railroad or steamship company presents the interest of the West, the same as the agents for the companies do when they present the advantages of traveling over their railroads to points beyond New York State; and they do that because they get a commission on the sale of tickets.

THE CHAIRMAN.— Has the Commissioner of Agriculture any access to Ellis Island? To get this new material as it comes in?

Mr. PEARSON.— We are not permitted to place an agent at that point, at the point where the immigrant comes in. But I understand that all the States are treated the same as to that. If we placed an agent there, every other State would want to place an agent there. About the railroad tickets, the point raised about the sale of railroad tickets. Many of the transportation railroad lines, as you may know, in the sale of tickets have been able to sell tickets right through to the western points regardless as to whether agricultural pursuits there were good or bad for the immigrant.

Mr. MOREE.— I have seen groups of 25 to 30 excellent families herded together on a tugboat and carried on to Weehawken, and loaded on the West Shore trains and sent west; and it seems to me that some means might be invented or devised by which at least a portion of those families could be induced to remain in this State. It seems to me that that illustrates — I don't know that I make my point clear; but I think what this State most needs and what the farmers of this State ought to do is to go before the Federal Government and obtain permission to use that \$150,000 hospital that they can't use for anything else — to use that for a general bureau of information, so that these farmers or the rural districts or the agricultural society can have a regular laborers' fair down there, and put before these people as they come over the advantages of this State and of other States. I think the proper idea is to present the different good qualities of the State and to show them good and sufficient reason why they should remain here instead of passing on to the West. If these things were properly presented down there, I think we would get the good class of improved labor right from the fountain head, and not have to take it up after it became polluted in the midst of conditions as they exist in New York city.

Senator BAYNE.— How would that avail those that want to get that labor? Every farmer who wants a man cannot give the time or spare the money to run down there and look over a man. The question is how to get the laborer to the farmer?

Mr. MOREE.— I am not familiar with this bureau of labor question. I am speaking of the advantages of one phase of this question. It might be an economical question; the question of getting that labor to the farmers would probably have to be done in connection with this bureau of information. I have in mind suggesting a bureau of information as only a first step forward towards the means to get it — competent labor. It seems to me if the advantages of New York State were presented to them —

Senator BAYNE.— Don't you see the difficulty? You have got to have a bureau that is going to make a thorough examination into every application. Mr. Smith, for instance, wants a certain sort of man, and he must look over the lot and see if there is among them the sort of man needed by him. He must have a card index system and go about it in a business way, and he must be an expert in finding the jobless man for the manless job. It has got to be a department under your control and maintained by your approval, and it must have your support if it is to work efficiently. Do you want it? If you do want it, you can get it, if there is any way by which the State can give it to you; and if you don't want it, the State ought not to try to give it to you. The question is a direct one, and it is for you farmers to answer it. Do you want it? This State is the greatest agricultural State in this country, and is ahead of almost every other state in the lines of progress, and it can surpass any other State if you desire to have it. This matter is before you. We all live on the farmer, and it is you who are supporting all this life. You are the foundation stone. We must suit you and we must also help you to develop the best in your lives and make the farm profitable to you and happy for you and your family. It should be made a desirable sort of life to live. Think about it, and pray over it; keep politics out of it, and then let us know.

M. C. COLBURN, Candee, Chautauqua County, N. Y., fruit grower, then addressed the Commission as follows:

Our county is divided between fruit-growing and dairying, and a very large part of the region is given up to fruit-growing. They can use foreign help up there, and do use it quite successfully.

Senator BAYNE.— How do they get it?

Mr. COLBURN.— I have a brother here who can tell you that better than I can.

Senator BAYNE.— Proceed; he can tell us later.

Mr. COLBURN.— In the dairying and fruit business the foreign help is what we want, especially the Italians. They are a class of help that we want to have and the kind of help that the farmers up there need, where you can't be with them all the time. Our help is particularly what we pick up in the neighborhood, and we have to get them the best we can. If we could get the right kind of bureau, so that we could get them after a trial or take them on trial at a reduced rate, so that we could try them for a month or two, and satisfactory as to price; but for the first few months the help we get is pretty worthless. We had better not have any under the circumstances. If we had a bureau where we could get the help, and have it at a reduced figure, and then after he learns the business the farmer could raise him up and he could take some interest, then the price would be arranged so that the man would be able to get what he was worth for himself and to the farmer. But we ought not pay the highest price in starting—it is impossible in any community. I should say that, if a bureau could sound out the help in our community, that could be on trial or have recommendations, I think it would be a great help.

F. E. SMITH, Brockton, Chautauqua County, N. Y., fruit grower, then addressed the Commission as follows:

The help problem is a difficult one for a good steady man that can't use cheap labor. We need good labor, and we don't want to take an unskillful man from the bureau for a month or for a year. Our people pay from \$30 to \$32 up to \$40 a month and furnish a house and garden; and the help gets —

Senator BAYNE.— The year around?

F. E. SMITH.— Yes, sir, the year around; but it is a difficult problem, and it is driving a great many people out of the country. They have got tired of the trouble to get good help. We need the right kind of help in the busy part of the year, which comes in the fall for about four to six weeks.

THE CHAIRMAN.— How do you get that help now?

Mr. SMITH.— Well, we get it say from 50 to 150 miles around, from the villages and cities; a great deal of it is unsatisfactory. A great many people are getting Italians from Buffalo to harvest the grapes. They have an agency there in Buffalo, and they get many Italians from there, but we find that the more we have at a time, if there is a boss over them, the better they work and then they work better than American labor. I rather believe the employment bureau if they turned out good help, might help us some.

L. J. WILLOR, Castile, Wyoming County, N. Y., general farmer, then addressed the Commission as follows:

In our section the farmer as a rule is a general farmer. The problem of taking care of the products raised on our farms, particularly the hay section, is what we have to contend with. It seems to me that we have before us a rather serious proposition in the consideration of this farm labor. I think one thing that the Master of the Grange said here at first has a good deal to do with the matter, that is to say, small profits of the farm. It seems to me that there ought to be some way by which we might obtain greater prices for the farmer so that it would pay as well as any other business. Some have spoken here to-day of the different troubles they had to get help, some others have spoken of the competition that farm labor has to meet against the factory man. I think that the factory and the workshop to-day are keeping the boys and girls from staying on the farm. I don't know that we can blame the boys. I can't blame him not to run a business that isn't profitable and don't pay. It will take some time before the boy is willing to take his father's business of farming if it don't maintain itself. When the farm business pays as well as any other business, then the farmer will be able to pay for good help and be able to keep it.

Senator BAYNE.— What labor have you had on your farm?

Mr. WILLOR.— We have been able to get people brought up in the neighborhood. We can get a married couple for about \$350 a year and we get as well as we can expect for that price.

Senator BAYNE.— Do you get any drinking men?

Mr. WILLOR.— No, sir.

C. T. MOULTON, of Cuba, Allegany County, N. Y., dairyman, then addressed the Commission as follows:

I am a dairyman and I have to milk day after day eighteen cows because I can't get good men. I have to do my own work on account of the lack of men in my section of the State. I work eighteen hours a day and I ought to work twenty-four, for just that reason — because I can't get a man that is good enough to do the work.

THE CHAIRMAN.— How many cows ought one man to milk?

Mr. MOULTON.— It depends on the man; a good man oughtn't to milk more than ten, about ten cows. We are up against it in our section. If you educate all the boys you could get up there and put them all back on the farm, we will still be short twenty-five years of labor because some of us are getting old. And then we are far from any of the cities. Allegany has not a city in its limits and no city within a hundred miles except the small city of Olean. Now, I assume that you ought to have a bureau and that it is to be intelligently conducted by men who understand the business. Now, the difficulty is, are there jobless men who are competent.

THE CHAIRMAN.— We are assuming a bureau run in the interests of the farmer and not in the interest of the man, or men, that runs it.

Mr. MOULTON.— If the bureau would find out the fact of a man's competency, I believe that very good work can be done with such a bureau, although I have had experience with this foreign labor and it has been quite as satisfactory as the American help. You might do as my mother did with tallow candles — drip, drip and keep dripping until she finally got a candle. I knew a man who sent to the New York Bureau three or four times and finally got a man and he did not know anything about work on the farm and he had to take all the trouble to teach him. What we want is competent help — I think this labor bureau would be a splendid thing.

E. C. GILLET, Penn Yan, Yates County, N. Y., fruit and general farming, then addressed the Commission as follows:

I am a general farmer with not very much dairying, and fruit-growing. In Western New York there is very little dairying, we have very few dairies and the labor problem, it seems to me, divides itself into two questions, the main question being the lack of ability to get help of any good kind. We get some help that is very good in the hop industry but only for a little time because they are mainly pickers and go from place to place. Also I have had no personal experience with these labor bureaus, but from what I have heard here to-day and judging from the questions which these commissioners have asked, I should think they could be made of great use. We believe it will be all right, this Labor Bureau — I believe there is a good field for it, although I have had no personal experience. I have heard two things stated here to-day that I think are

about right — one is the education of the boy and girl at Cornell and then I think you can put all the small schools you can get in the State of New York, but you must have somebody who has experience to teach in those schools to educate those children so they will come back to the farm. I don't think they will do that unless you educate them in an agricultural college or school. If you start an agricultural school in every county in the State you couldn't get experienced teachers to teach them. You must first teach your teachers before you can teach the children in these schools. Now for a good many years the Danes have been coming into Yates county and they are the very best class of citizens you can ask for. They make the best farmers in Yates county and some of the best farms in that county are owned by Danes that have come into our county without a penny hardly. One man owns a farm worth \$22,000. I know others that own their own farms that are worth good sums and in addition to that they make good business men. We have one Dane who is a cashier in the bank in our town; and if you can get that class of Danes, and keep them from going west, we will solve our troubles. If you can get them and hold them in New York State, you will solve the problem.

THE CHAIRMAN.— Now, many of the suggestions here seem to have reference to a higher education; why is there not some suggestion of some kind as to a short course of training?

E. C. GILLET.— We have that at Cornell but it is taken up by the boys who want the technical education or finish and then often don't go back to the farm, but as I said before, you could not get teachers enough in the United States to put one teacher in each county of the State of New York to teach a course in agriculture.

Commissioner PEARSON.— I want the Commission to hear your ideas of the seriousness of the problem of transportation of help. Is it not a fact that the transporting of help such as you require to harvest your crop of grapes — that the help you require to harvest your grape crop, is largely supplied by people living in villages, that they could be available from these villages if means of transportation could be provided to get them back and forth? Is it not a fact that this transportation problem has been a serious one in some sections of the State?

Mr. GILLET.— The greater part of our help in gathering fruit comes from the towns and villages in Pennsylvania. We get them through the ordinary farm work and harvesting and they like to come over there into the potato section. I know the section very well, it is right near me. Then from there they come into the grape section and apple section. They are well satisfied and are steady, good workmen, and are generally satisfied, and as a rule when one goes home, he tells his chum and he most likely comes back with him the next year. We get a good deal of help in that way. We do get some from the towns and villages near by, but not much.

CHARLES G. BROWN, of Batavia, Monroe County, N. Y., general farmer, then addressed the Commission as follows:

Our region raises most everything and we have the various kinds of farm products as well as a lot of grapes. It seems to me that your idea of a labor bureau is a good idea, providing you can get us men, that we could get their history, we would like to take them. But if you don't know a man, we don't want to take them into our homes. I don't think it would be right to ask the usual pay of a man at first, but we are willing to try him out. Without the proper help there, we lessen our own efforts because we have to combine them with our neighbors. We have to help each other. We have great trouble in spring to get help in the ploughing and planting season and we also have just as much trouble in the harvesting season, but we have to use the help that is obtainable, although we generally get help that, as a rule, we know is irresponsible.

THE CHAIRMAN.— What do you think is the cause of the great lack of labor in your part of the State?

Mr. BROWN.— The poverty of the farmers. We have not been able to pay the help and they went into the shops and railroad yards. We pay \$1.00 to \$1.50 a day for day help and \$30 to \$35 a month, and board and washing during the season.

F. W. COOKE, Brockport, Monroe County, N. Y., general farmer, then addressed the Commission as follows:

The hired help in our section comes mostly from the employment agencies in Rochester and we find that a great many of those "bums" are good men just as long as you can keep them sober. If you could keep them sober, we can keep them the year around and they would be good men.

Mr. T. E. MOREE, The Borough of the Bronx and Tioga County, N. Y., addressed the Commission further as follows:

I want to say, gentlemen, that as I view it, one of the great causes that has brought about this unfortunate condition in the farm labor of the State, the problem among the farmers as to help, is that of the life on the farm; it is a tiresome existence. There is nothing attractive about it. When they have been able to make in some slight degree the farms as attractive in a way as the cities, it would do more towards solving this problem than probably anything else that might be done. The farmers' boys and the farmers' girls have reached the point where they view the farm life as wholly unattractive and they get an entirely wrong impression of the farm life for this reason — that the farm home has ceased to be a social community the same as the home in the city has now ceased to be a social community. Fifty years ago the life of the farmer was even more attractive to the boys and girls of the family than they are to-day. There has been a steady and constant decrease or withdrawal or, I might say, an abandonment of those things which tend to make the community life of the farmer's family pleasant for the younger generation who must soon take the lead, or soon should take the lead, in the work in the rural districts on the farm. Fifty years ago, a half century ago, the fathers, the mothers, the sons, the daughters, all had a common interest in the life of the community and the home of the farmer was a social community in itself. I believe if the farmer of to-day would allow the children more time for play and interest them in things or matters outside the farm, interest them in social matters, matters that would interest the children the same as the social workers are trying to do on the East Side of New York, to make the East Side homes the social center of the family life, there would not be so many boys and girls drifting away from the farm and coming into the city. I would like to see in every country school house in this State a form of amusement such as was established in New Paltz, just below here. I would like every one in this audience to read Doctor Scudder's pamphlet on this question. I believe the problem is a great one but I believe it can be solved.

S. BARNET, Monroe County, general farmer, N. Y., then addressed the Commission as follows:

I think this bureau of labor is all right. If it is properly managed I think it will be all right. The farmers in our section need good help and need it badly. The farmers up in our section have been making money lately and now that these men in the cities seem inclined to give us a little cheap food, the farmer may be able to pull along and make a few dollars. The best help I know of and the best I ever had and I kept them from three to four years at a time, were Swedes.

Senator BAYNE.— Where did you get them?

Mr. BARNET.— I sent to a man in Sweden and every one I got was a good man and I kept them. If you give a boy the short course at Cornell and you give him anything to do on the farm, you want to deal with him just as fairly as you do with strangers and he will stay at home.

THE CHAIRMAN.— Have you anything to say about this farm agency idea?

Mr. BARNET.— It would be all right if you had a bureau down there in the city and sent them up here and you had a farm up here to keep them on for a while until they learned something and then distribute them out. You can't do much with a greenhorn for he is liable to do more damage than he can give help and the farmer must look after his own farm or he won't make any success of it. He could rely on an experienced man but he could not trust anything to a greenhorn.

M. A. VEEDER, Lyons, Wayne County, N. Y., general farmer, then addressed the Commission as follows:

Most everything that has been said here is in line with the experience of the people in my locality. There is just one point I want to call attention to. We had industries and the factory at Lyons which had to be discontinued, and it is very largely due to the difficulty in securing help. Now, that same difficulty applies to the farm — in the cultivation of the grapes early in the season and the harvesting of the grapes later on. We have managed somehow by using the Italians but there was so much difficulty and they caused so much anxiety to the farmer that it has caused this question to be raised. This trouble in getting help was one of the great factors in the case of the discontinuing of that large industry at Lyons.

THE CHAIRMAN.— How long would it take to make a good man?

Mr. VEEDER.— He ought to learn something in a week — put him in charge of a plough — and I can take one green man and break him in in a week or two. You want to pay your men well and you want the best improved machinery you can get and you also want the machinery that will do the greatest work with the smallest help. You have got to have the improved machinery because a man can't develop his farm successfully without these things. That is my experience and that is all, gentlemen.

Commissioner PEARSON.— I might say to the Commission, and to you gentlemen, that the great difficulty in training a man for effectual work on the farm is that he would have to remain there about a year — a week wouldn't be of much use to him, a week or two — at the training school, until he comes into contact with the different lines of farm work. It is not like a factory where a man does all kinds of work in a day.

Mr. VEEDER.— No, sir.

Commissioner PEARSON.— Often a good man but not experienced, if he is willing to go on to the farm and there be willing to work, he will get his education if he continues there and is willing to work.

J. R. WINN, of Smith's Basin, Washington County, general farmer, and dairyman, then addressed the Commission as follows:

I want to say this, gentlemen: Maybe a man would learn to do this farm work in a short time and perhaps he would never learn farming, but if a man wanted to learn how to farm it and was interested he would learn in a short time.

Senator BAYNE, of the Commission, then spoke as follows:

I am from Richmond county, in this State. I have a farm in Greene county and I presume I may lay claim to being in a way a farmer — what you might call a gentleman farmer. I trust I am a gentleman, but I fear I am not much of a farmer; but I do take a great interest in the farm and in the farmer. My people came from a farming state. They were all farmers down there and in addition to this I have a great interest in this thing because I want to help the farmer. But if this matter of the solution of the question of farm labor is to be run as a political machine it will not help you. So much will depend upon the assiduity of the persons who start it — and it is not going to be successful at first.

H. C. SPANGER, Columbia County, N. Y., general farmer, then addressed the Commission as follows:

It has already been said — I am a general farmer by the way, and we have a great many of them in our county and they are distressed at the labor question, and there are very few of us who have been able to get at the root of the trouble. One trouble in our county is the "gentleman farmer." These moneyed men who live down through our section pay more than the help is possibly worth and that spoils them for the ordinary farm work. Any one that has a dairy must work over twelve hours a day to be successful. We can't get help to do work like that. I have had in my employ many men, from four to six, and have had competent labor from the labor bureaus, particularly the Park Row Labor Bureau in New York city. A man can go there and talk with them and see them. I have been there frequently myself and talked with men right at the Bureau and got good help from there. I have seen men from there who only had the clothes on their back and I have said, "Is that all the clothes you have?" and he said, "Yes," and I said, "I don't want you." Isn't any use to take that kind of man because it is sure he hasn't been staying long enough in one place to save anything and I don't want that kind; but I have got good help from these bureaus at times. How many are there here to-day who would hire out on a farm for eight months and do what they would have to do at the price we would have to pay? Now, the manufacturers have been in European countries and brought the foreign help here that is filling up the State prisons of our State to-day. These questions come before you and it is a problem to solve them and it is a hard problem at that. It is a state issue now but when it becomes a national issue then perhaps it will be solved.

FRED E. BALL, Glens Falls, Warren County, N. Y., general farmer, then addressed the Commission as follows:

What we need is a man to do our work and do it right. We don't have the time to learn these men, because all prosperous farmers are busy men. Now, if this agency can furnish us men and guarantee that these men can do our work and we can get a man

furnished by you as a man who could earn \$10 a week, we can afford to pay him \$10 a week, but if you send a greenhorn to us worth about \$5 or \$6 a week for just what physical labor he can do, we can't pay him \$10 a week. Now, if this agency will furnish us men to do our work and do it well, it will be of benefit to us and it is "up to you." It seems to me that if you can get men to do our work, that would solve this very important question of help on the farm.

THE CHAIRMAN.— This will close the conference or hearing and I want to express, on behalf of myself and my associates, our sense of obligation to the Commissioner and all of you gentlemen of the State Grange who have been here this afternoon and who have so kindly aided us in our deliberation. You see what the problem is. It is much more your problem than it is our problem — much more your problem. This Commission, with the information and material which we have, will give the best consideration to this matter and our report when made will represent the best deliberate consideration of myself and my associates on the Commission and when that report is made and when we come to the point where we will be able to decide as to the form of the legislation to be recommended, when such legislation is recommended, I hope that you gentlemen will hold up our hands in securing the enactment of the legislation which we will recommend. We are impressed with the seriousness of it and we know it is a most important, if not *the* most important that this Commission has had to meet.

Commissioner PEARSON.— I wish to say to the members of the Commission on behalf of the Grange, on behalf of those who have spoken here as members of the Grange and in any other capacity, that we deeply appreciate the intelligent interest that the Commission is showing in this problem, so vital to our interests, and while they may feel obliged to us, I want to tell them how much *we* are indebted to *them* for listening to what we have been able to tell them to-day; and I can only further say that in the study of the question before them, they will have the interest and sympathy of the Grangers throughout the State.

REPORT

TO THE

Legislature of the State of New York

BY THE

Commission appointed under Chapter 518 of the Laws of
1909 to inquire into the question of employers'
liability and other matters

FOURTH REPORT

REVIEW OF THE DECISION OF THE COURT OF APPEALS MARCH 24,
1911, DECLARING THE COMPULSORY COMPENSATION ACT OF
1910 (CHAPTER 674 OF THE LAWS OF 1910) UNCONSTITUTIONAL, AND RECOMMENDATION FOR A
CONSTITUTIONAL AMENDMENT

May 3, 1911



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1911

REPORT

TO THE

Legislature of the State of New York

BY THE

COMMISSION APPOINTED UNDER CHAPTER 518 OF THE LAWS OF 1909
TO INQUIRE INTO THE QUESTION OF EMPLOYERS'
LIABILITY AND OTHER MATTERS

To the Legislature:—

By decision of the Court of Appeals on March 24, 1911, in the case of Earl Ives against the South Buffalo Railway Company, the most important measure enacted into law on the recommendation of this Commission, the Compulsory Compensation Law (chapter 674 of the Laws of 1910), was declared unconstitutional. It thus becomes our duty again to address the Legislature on the subject of the defects in our employers' liability law, and to submit a recommendation relating directly to the constitutional obstacle which now clearly opposes the program of reform which we advocated.

It would be inappropriate for us to criticise the decision of the Court of Appeals. Under our system of government it is the duty of the judges of that court to interpret the clauses of our written Constitution for the information and guidance of the whole State. We feel that it is but just to ourselves, however, to say that we did not err in failing to take into consideration the argument by which the learned court of last resort in our State reached its conclusion in this case; but, in believing that that argument was inferior in convincing force to that which led us to our conclusion.

For this State, of course, the decision is final. We had hoped that the result might have been such as to make possible an appeal to the Supreme Court of the United States and that we might thus have secured an authoritative interpretation of "due process," as applied to this question. We are advised by counsel, however, that the decision being in favor of the defendant in the Ives case, there is no appeal to the Federal Supreme Court, and there is no way of directly reviewing the decision of the Court of Appeals.

The first report of this Commission, submitted March 19, 1910, dealt at length with the operation of our employers' liability laws. In it we presented a mass of statistical and other evidence in support of the following conclusions:

"*First.* That the present system in New York rests on a basis that is economically unwise and unfair, and that in operation it is wasteful, uncertain and productive of antagonism between workmen and employers.

"*Second.* That it is satisfactory to none, and tolerable only to those employers and workmen who practically disregard their legal rights and obligations and fairly share the burden of accidents in industries.

"*Third.* That the evils of the system are most marked in hazardous employments, where the trade risk is high and serious accidents frequent.

"*Fourth.* That, as a matter of fact, workmen in the dangerous trades do not, and practically cannot, provide for themselves adequate accident insurance, and therefore, the burden of accidents falls on the workmen least able to bear it, and brings many of them and their families to want."

Further consideration and the comments on that report that have come to us from all sides only confirm us in these conclusions.

The Court of Appeals itself appears to accept them as sound. It says: "In arriving at this conclusion we do not overlook the cogent economic and sociological arguments which were urged in support of the statute. There can be no doubt as to the theory of this law. It is based upon the proposition that the inherent risks of an employment should in justice be placed upon the shoulders of the employer, who can protect himself against loss by insurance and by such addition to the price of his wares as to cast the burden ultimately upon the consumer; that indemnity to an injured employee should be as much a charge upon the business as the cost of replacing or repairing disabled or defective machinery, appliances or tools; that, under our present system, the loss falls immediately upon the employee who is almost invariably unable to bear it, and ultimately upon the community which is taxed for the support of the indigent; and that our present system is uncertain, unscientific, and wasteful, and fosters a spirit of antagonism between employer and employee which it is to the interests of the State to remove. We have already admitted the strength of this appeal to a recognized and widely prevalent sentiment, but we think it is an appeal which must be made to the people and not to the courts."

Thus, the court does not dissent from our conclusions as to the reality and seriousness of these evils, but finds the remedy we proposed inadmissible.

The grounds on which the Court of Appeals declares the Compulsory Compensation Act unconstitutional may be summarized as follows:

Imposing upon the employer liability for industrial accidents when the accident is not due directly or indirectly to his negligence, is taking his property without due process of law. The idea that the law may be justified since it merely compels the employer to assume the risks of the trade whereas the law before compelled the employee to assume those risks, and because one plan is logically as defensible as the other, is disposed of by pointing out that the employee assumes the risks not because of the law, but because of the nature of the case. He is the person injured; upon him falls the consequences of the injury. All that the law does is to say that under certain circumstances, that is, if the negligence of the employer has caused the accident without any contributory negligence on the part of the employee, he may have the right to recover. To argue that the law may now go further and say that he shall have the right to recover, even if there has been no negligence on the part of the employer, appears to the court to create a liability opposed to the whole spirit of our legal system. Such procedure is not justified, in the opinion of the court, as an exercise of the police power. That power might be urged in support of a measure designed to promote the public health, but in the view of the court the act under consideration "does nothing to conserve the health, safety, or morals of the employees, and it imposes upon the employer no new or affirmative duties or responsibilities in the conduct of his business." The court finds that the law is valid as regards its classification of extra hazardous trades, nor does it disapprove of the statute on the ground that it interferes with the right of trial by jury, or that it violates section 18, article 2 of the Constitution, which declares: "The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation."

A comparison of these conclusions with the "economic and sociological arguments which are urged in support of the statute," as summarized by the court itself, suggests the explanation for our different conception of the scope of the police power. Convinced of the fundamental justice under modern industrial conditions of a system of liability based on trade risk;

impressed by the suffering and destitution which industrial accidents impose each year upon thousands of innocent persons; conscious of the inadequacy of damage suits under the Employers' Liability Law to remedy these evils; recognizing the inequality in intelligence and financial resources between employer and employee which makes insurance the natural and common resource of the former and the rare refuge of the latter; and perceiving the great interests of the State in the problem as final almoner of the widow and the orphan and as chief sufferer from embittered relations between employer and employee;—we found it difficult to believe that the police power could not be exerted to substitute the more rational, just and socially beneficent system of workmen's compensation for the present discredited system of employers' liability. The Court of Appeals has decided that in this expectation we were deceived by our own hopes. The object we sought was commendable, but it is an object that is not in harmony with our fundamental law. For as the court declares: "The right of property rests not upon philosophical or scientific speculation nor upon the commendable impulses of benevolence or charity, nor yet upon the dictates of natural justice. The right has its foundation in the fundamental law. That can be changed by the people, but not by legislatures. In a government like ours theories of public good or necessity are often so plausible or sound as to commend popular approval, but courts are not permitted to forget that the law is the only chart by which the ship of state is to be guided."

This decision of the Court of Appeals leaves four possible lines of action open to the Legislature.

First, the present defenses of employers may be cut down by abrogating the fellow-servant doctrine, making contributory negligence a ground merely for reducing damages, not for refusing them altogether, and modifying the assumption of risk rule so that the burden of proof shall rest entirely on the employer. By these changes a somewhat larger proportion of injured wage-earners would become entitled to damages. From our study of the situation, however, it is clear that this proportion could in no event be more than a minority of the wage-earners in most employments. Fully half of the accidents that occur are traceable to the inherent risks of industry; another large proportion is due to the almost inevitable negligence of the injured employees themselves; consequently in most employments, probably not over one-fourth of the accidents could be traced to the legal negligence of the employer or his agents.

For this reason and because an increase in the liability of employers on grounds of negligence, will certainly not diminish and may increase the evils incident to the operation of the present law, we are not disposed to think favorably of this first method except as a last resort.

Second, the law might be amended so as to put pressure on employer and employee to induce them to accept an optional compensation plan as preferable to their rights under the Employers' Liability Law. This is the way chosen by New Jersey in the so-called Edge Law recently enacted, under which the defenses of the employer are cut down to the irreducible minimum permitted by the Constitution, and he is given the alternative of coming under a compensation system, details of which are prescribed in the law. This may be brought about either by permitting the employer to signify his desire to come under the compensation plan to some designated State authority, or by declaring that he shall be presumed to choose the compensation plan unless he expressly dissents. As regards the employee, the act may provide that in case the employer accepts the compensation plan, he shall be presumed also to accept it unless he expressly dissents. He may be discouraged from dissenting by having his right to damages confined within the narrowest limits compatible with the constitution in case the employer has agreed to accept the compensation plan.

Our objection to this is twofold. First, it is so obviously a device for avoiding constitutional difficulties that we fear the courts may disapprove it on the ground among others that it interferes with freedom of contract between employer and employee. Second, conceding its constitutionality, we fear that in operation it may fail, as have other optional plans, to bring any very large proportion of employers and employees under its terms.

The third plan is suggested by Chief Judge Cullen in a memorandum accompanying the decision of the Court of Appeals in the Ives case. It is to limit the application of the act to corporations organized since the adoption of the Constitution, as to which corporations the power to revoke charters is reserved to the Legislature. However valuable this suggestion may be, it fails to offer a complete solution of the problem, since it could not apply to partnerships or individual employers.

The fourth plan is to amend the State Constitution. In stating the grounds for its decision condemning the Compulsory Compensation Law, the court itself indicates this remedy. The evils complained of are real. The theory of public good on which the compensation law rested is sound, as the experience of nearly all the other civilized countries of the world daily demonstrates. We were in error in supposing that the police power now possessed by the Legislature of the State is broad enough to permit it to make this remedy effective, but we were not in error in believing that it *should* be broad enough to include this beneficent purpose. Being strong in this conviction, we should address ourselves not to the courts whose power is confined to interpreting the fundamental law, but to the people, the source from which this fundamental law derives its substance and authority. The recommendation which, in deference to our continued adherence to the conclusions stated in our first report, we feel bound to submit to the Legislature, is that the Constitution be amended so as to confer on your honorable body the power which you now lack. It seems to us intolerable that in this country we should be unable to grapple with this problem, so vital to employers, employees and the State itself, in the same rational and comprehensive way in which other countries are grappling with it. We believe that an amendment extending the police power of the State to include regulation of the contracts of employment for the purpose of protecting the health, or promoting the safety or well-being of the parties thereto, or the public, and to make provision for compensation through insurance or otherwise for industrial accidents, will in the present state of the public mind be hailed as a wise measure of relief.

On these grounds, and because, after careful consideration, we are convinced that along this path lies the only complete escape from the evils set forth at length in our first report, we recommend for the acceptance by the Legislature and submission to the people the following amendment to the Constitution of the State:

Article III. Section 30.

"The Legislature may impose such conditions on any contracts of employment as shall be designed to protect the health or promote the safety or well-being of any of the parties thereto, or the public, or to make provision for the payment of compensation, with or without the right of trial by jury and with or without regard to fault, to employees injured by accidents of employment, or to persons dependent upon them, either by employers, or by employers and employees or otherwise, in such manner as the Legislature may prescribe; and in the exercise of the powers herein conferred, the Legislature shall not be limited by article one, section eighteen of this Constitution."

A possible objection to this proposed amendment of the State Constitution found even in the minds of those who are disposed to favor it, is that it would leave unaffected the "Due process" clause in the Federal Constitution. This is, of course, true, but in our judgment, based on a careful study of recent decisions of the United States Supreme Court, there is good ground for expecting that in interpreting the "Due process" clause the court will hold that reasonable legislation for the establishment of a compulsory compensation plan may be sustained as a legitimate exercise of the police power, particularly where there is a provision in the Con-

stitution of the State enacting such legislation, which expressly authorizes this method of dealing with industrial accidents.

Respectfully submitted,

J. MAYHEW WAINWRIGHT,
Chairman.

F. C. PLATT,
HOWARD R. BAYNE,
from the Senate.

A. D. LOWE,
GEORGE A. VOSS,
F. B. THORN,
CYRUS W. PHILLIPS,
EDWARD D. JACKSON,
from the Assembly.

HENRY R. SEAGER,
OTTO M. EIDLITZ,
GEORGE W. SMITH,
JOHN MITCHELL,
CRYSTAL EASTMAN,
appointed by the Governor.

JOSEPH P. COTTON, JR.,
Counsel to the Commission.

SUPPLEMENTAL REPORT

OF

CYRUS W. PHILLIPS

MAY 16, 1911

(Fourth Report of the Commission Appointed Under Chapter
518 of the Laws of 1909 to Inquire Into the Question
of Employers' Liability and Other Matters.)

While not concurring with the Commission as to the form of the proposed amendment, I agree that an amendment to the Constitution is necessary in order to work out a scientific scheme of compensation to workingmen. The idea embodied in "due process of law" has been with us since the Magna Charta, in which it was referred to as the "Law of the land." It forbids the taking of life, liberty or property, except in accordance with the principles of justice recognized by the "law of the land" at the time of the adoption of the Constitution. The peculiar industrial conditions that have arisen of late require, as a measure of justice, both to employer and employee, that the system of Employers' Liability, early known to the "law of the land" be abolished and a new one instituted.

The principle of justice embodied in the Compensation Act was not a part of the "law of the land" at the time of the adoption of the Constitution for the reason that conditions then existing did not require it.

The purpose of the proposed amendment is to qualify the early rule requiring that while a man should be held liable for full damages for injuries due to fault, he could not be held liable for injuries not due to fault, so as to permit a law requiring him to pay some compensation for all injuries regardless of fault. In drafting the amendment we should not over-look the fact that the same rule of justice that requires, as a result of our complicated and hazardous industrial condition, that the workmen's negligence, unless wilful, be over-looked in awarding him compensation, also requires, as a result of these same conditions, that the employer's negligence, unless wilful, be disregarded. Under present industrial conditions, so far as the employer and employee are concerned, the test of negligence must be abandoned. If we over-look this fact there is danger that the amendment will become a mere arbitrary exception to the due process clause instead of the recognition of a principle of justice that has arisen since the origin of the words "due process of law" and which is entitled to be recognized by the Constitution as a part of the "law of the land." In this way we will better approach the Federal Constitution.

Does the proposed amendment require that the Compensation Act to be enacted shall be one that shall be exclusive of all common law remedies, and, what is even more serious, does the amendment even permit the adoption of such an exclusive system of compensation?

The first query may be quickly disposed of as no language can be found preventing the continuance of common law remedies along with the new system of compensation. I submit that the safest way to meet the due process clause of the State and Federal Constitutions is to expressly provide that a new system be created which shall replace all common law remedies.

Coming to the second question, does the amendment permit the adoption of an exclusive system?

Under the "law of the land" an employee receiving personal injuries through the fault of another is entitled to recover damages. To take away all remedies for such injuries would constitute a taking of property without due process of law. You may change the remedy, but the new remedy must be adequate. It is very doubtful whether a Compensation Act removing the common law right of action for full damages for the injuries due to fault and substituting the Compensation Act with limited damages affords an adequate remedy and constitutes due process of law. If it does not constitute due process of law then an exclusive statute enacted pursuant to the proposed amendment after its adoption would be repugnant to the due process clause. If I am wrong in this and an exclusive act can be passed without constitutional authority, the enactment of an optional act can be greatly simplified by dispensing with the necessity of the workmen's consent. All questions of this kind can be removed by having the amendment expressly authorize the enactment of an exclusive compensation scheme or, if it is thought best, let the amendment require that any compensation scheme enacted pursuant to it should be exclusive.

The Concurrent Resolution embodied in Bill No. 1995, introduced in the Assembly by Mr. Jackson, does permit the adoption of an exclusive scheme by using the words "nor shall anything in this Constitution contained prevent the Legislature from making such provision," etc.

The adoption of an exclusive compensation system by doing away with litigation saves the State a vast amount of money it is now expending in sustaining its courts and there is a growing sentiment in favor of the State, as a result of this saving, contributing something toward the expense of compensating injured workmen, either as a direct contribution or as the custodian of an insurance fund to be contributed to by employer and employee.

The Jackson amendment referred to permits this and I feel that the amendment recommended by the Commission ought to be broad enough to permit the Legislature to enact a law which will make the State participate in the compensation system if the same is deemed advisable.

That there is a rapidly growing demand upon the part of both employers and employees for a system of workman's compensation is evident. The Federation of Labor and allied bodies as well as other organizations of labor have declared for it. A similar attitude has been taken by manufacturers' organizations and committees of investigation have been appointed. The subject met with general approval at the Convention of the National Metal Trades Association held in New York city on April 13th last, at which time a committee previously appointed made an exhaustive report.

With all this sentiment in favor of compensation, why is it that so few have taken advantage of the optional compensation act passed last winter and consisting of Secs. 205-212 of the Labor Law.

While the law needs amending to render it acceptable a campaign of education is evidently necessary to bring together the parties affected. Many employers are willing to adopt it but are diffident about offering it to their workmen for fear their motives will be misconstrued, on the other hand workmen willing to consent to it dislike to present the subject to their employers. This statement is made from actual knowledge and one must concede its truth or else concede that we are mistaken in supposing that there is any considerable demand for a compensation act. I would suggest that a bureau be created in the Labor Department temporarily to aid employers and employees in adopting this plan.

The State is interested in having this optional act adopted not only for the general welfare, but for the saving of court expense that will follow. The experience gained under this act will be useful in the drafting of a compulsory act in case the Constitution is amended. If manufacturers through their associations should vote to offer it to the workmen they might bring about its adoption in entire trades.

The statute should be amended so as to simplify the work of procuring the consent of the workmen. In some trades a considerable number of the workmen shift from one employer to another. This is especially true in building and general contracting work. The optional statute should be amended so as to provide for a fixed schedule of compensation for all major

injuries instead of the uncertainty of 50 per cent of the decreased earning power. This will not only be more acceptable to the parties in permitting them to know definitely what the rights and liabilities of the parties will be, but is easier of adjustment in case of accident.

I believe that an amendment ought to be passed at this Session of the Legislature for the purpose of presenting the subject for general discussion. Any error committed in framing the amendment can be cured at the Session of 1912 without losing time, as under the Constitution the amendment cannot be passed for the second time until the Session of 1913.

CYRUS W. PHILLIPS.

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